HORACE GREELEY

Statesman Edition — Vol. XX

Charles Sumner

HIS COMPLETE WORKS

With Introduction

BY

HON. GEORGE FRISBIE HOAR

BOSTON

LEE AND SHEPARD

MCM

14854

May 21, 1900
A. 12732

JUL 6 1900

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Norwood Press:
Norwood, Mass., U.S.A.

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THE HOUSE OF REPRESENTATIVES: ITS PROPER NUMBER.

Remarks in the Senate, on the Bill for the Apportionment of Representatives among the States, January 29, 1872.

MR. PRESIDENT, — Before the vote is taken I desire to make one remark. I was struck with the suggestion of the Senator from Ohio [Mr. Sherman], the other day, with regard to the proposition which comes from the House. He reminded us that it was a House proposition, and that it was natural that the House should be allowed to regulate itself. I think there is much in that worthy of consideration. I doubt if the Senate would receive with much favor any proposition from the House especially applicable to us. I think we should be disposed to repel it. I think we should say that our experience should enable us to judge that question better than the experience of the House. And now I ask whether the experience of the House does not enable them to judge of the question of numbers better than we can judge of it? On general grounds I confess I should myself prefer a smaller House; personally I incline that way; but I am not willing on that point to set myself against the House.

Then, Sir, I cannot be insensible to the experience of other countries. I do not know whether Senators have troubled themselves on that head; but if they have not, I think it will not be uninteresting to them to have their attention called to the numbers of the great legislative bodies of the world at this moment. For instance, beginning with England, there is the upper House, the Chamber of Peers, composed of four hundred and sixty-six members; then the lower House, the House of Commons, with six hundred and fifty-eight members. We know that, practically, these members attend only in comparatively small numbers; that it is only on great questions that either House is full.

Mr. Trumbull. Did the House of Lords ever have anything like that number present?

Mr. Sumner. It has had several hundred. There are four hundred and sixty-six entitled to seats in the House of Lords.

Pass over to France. The National Assembly, sitting at Versailles at this moment, elected February 8 and July 2, 1871, consists of seven hundred and thirty-eight members.

Pass on to Prussia. The upper Chamber of the Parliament of Prussia has two hundred and sixty-seven members; the lower Chamber has four hundred and thirty-two. Now we all know that Prussia is a country where no rule of administration or of constitution is adopted lightly, and everything is considered, if I may so express myself, in the light of science.

Pass to Austria, under the recent organization. You are aware that there are two different Parliaments now in Austria, — one for what is called the cis-Leithan terri-

tories, territories this side of the river Leitha; the other, trans-Leithan, or those on the other side, being the Hungarian territory. Beginning with those on this side of the river, the upper House consists of one hundred and seventy-five members: observe, it is more than twice as large as our Senate. The lower House consists of two hundred and three members: smaller than our House of Representatives. But now pass to the other side of the river and look at the Hungarian Parliament. There the upper House contains two hundred and sixty-six members, and the lower House, or Chamber of Deputies, as it is called, four hundred and thirty-eight.

Pass to Italy, a country organized under a new constitution in the light of European and American experience, liberal, and with a disposition to found its institutions on the basis of science. The Senate of Italy contains two hundred and seventy members, the Chamber of Deputies five hundred and eight.

Then pass to Spain. There the upper branch of the Cortes contains one hundred and ninety-six members, and the lower branch four hundred and sixteen.

So that you will find in all these countries, — Great Britain, France, Prussia, Austria in its two Parliaments, Italy, and Spain, — that the number adopted for the lower House is much larger than any now proposed for our House of Representatives.

I call attention to this fact because it illustrates by the experience of other nations what may be considered as a rule on this subject. At any rate, it shows that other nations are not deterred by anything in political experience from having a House with these large numbers; and this perhaps is of more value because European writers, political philosophers for successive gener-

ations, have warred against large bodies. We have the famous saying of the Cardinal de Retz, that any body of men above a hundred is a mob; and that saying, coming from so consummate a statesman and wit, has passed into a proverb, doubtless affecting the judgment of many minds; and yet in the face of this testimony, and with the writings of political philosophers all inclining against numbers, we find that the actual practical experience of Europe has gone the other way. The popular branch in all these considerable countries is much more numerous than it is now proposed to make our House of Representatives.

REFORM AND PURITY IN GOVERNMENT: NEUTRAL DUTIES. SALE OF ARMS TO BELLIGERENT FRANCE.

SPEECH IN THE SENATE, FEBRUARY 28, 1872.

FEBRUARY 12, 1872, Mr. Sumner introduced a resolution, with a preamble setting forth its grounds, providing, —

"That a select committee of seven be appointed to investigate all sales of ordnance stores made by the Government of the United States during the war between France and Germany; to ascertain the persons to whom such sales were made, the circumstances under which they were made, and the real parties in interest, and the sums respectively paid and received by the real parties; and that the committee have power to send for persons and papers; and that the investigation be conducted in public."

And on his motion it was ordered to lie on the table and be printed.

On the 14th the resolution was taken up for consideration, when Mr. Sumner entered into an exposition of the matter referred to in the preamble, and of the law applicable thereto, remarking in conclusion : —

"For the first time has the United States, within my knowledge, fallen under suspicion of violating the requirement of neutrality on this subject. Such seems to be our present position. We are under suspicion. What I propose is a searching inquiry, according to the magnitude of the interests involved, to ascertain if this is without just grounds."

Thereupon ensued a long and acrimonious debate, — toward the close of which, Mr. Sumner, on the 28th, in review of the case, spoke as follows :—

MR. PRESIDENT, — Besides the unaccustomed interest which this debate excites, I cannot fail to note that it has wandered far beyond any purpose of mine, and into fields where I have no desire to follow. In a few plain remarks I shall try to bring it back to the real issue, which I hope to present without passion or prejudice. I declare only the rule of my life, when I say that nothing shall fall from me to-day which is not prompted by the love of truth and the desire for justice; but you will pardon me, if I remember that there is something on this planet higher than the Senate or any Senator, higher than any public functionary, higher than any political party: it is the good name of the American people and the purity of Government, which must be saved from scandal. In this spirit and with this aspiration I shall speak to-day.

In considering this resolution we must not forget the peculiar demands of the present moment. An aroused community in the commercial metropolis of our country has unexpectedly succeeded in overthrowing a corrupt ring by which millions of money had been sacrificed. Tammany has been vanquished. Here good Democrats vied with Republicans. The country was thrilled by the triumph, and insisted that it should be extended. Then came manifestations against abuses of the civil service generally, and especially in that other Tammany, the New York custom-house. The call for investigation at last prevailed in this Chamber, and the newspapers have been burdened since with odious details. Everybody says there must be reform, so that the Government in all its branches shall be above suspicion. The cry for reform is everywhere, — from New York to New

Orleans. Within a few days we hear of a great meeting, amounting to ten thousand, in the latter city, without distinction of party, calling for reform; and the demand is echoed from place to place. Reform is becoming a universal watchword.

In harmony with this cry is the appointment of a Civil-Service Commission, which has proposed mild measures looking to purity and independence in office-holders.

Amidst these transactions, occupying the attention of the country, certain facts are reported, tending to show abuses in the sale of arms at the Ordnance Office, exciting at least suspicion in that quarter; and this is aggravated by a seeming violation of neutral duties at a critical moment, when, on various grounds, the nation was bound to peculiar care. It appeared as if our neutral duties were sacrificed to money-making, if not to official jobbers. The injunction of Iago seemed to be obeyed: "Put money in thy purse." These things were already known in Europe, especially through a notorious trial,[1] and then by a legislative inquiry, so as to become a public scandal. It was time that something should be done to remove the suspicion. This could be only by a searching investigation in such way as to satisfy all at home and abroad that there was no whitewashing.

In proportion to the magnitude of the question and the great interests involved, whether of money or neutral duty, was the corresponding responsibility on our part. Here was a case for action without delay.

Under these circumstances I brought forward the present motion. Here I acted in entire harmony with that movement, now so much applauded, which overthrew

[1] Case of Plau, French Consul-General at New York.

Tammany, and that other movement which has exposed the Custom-House. Its object was inquiry into the sale of arms. This was the objective point. But much of this debate has turned on points merely formal, if not entirely irrelevant.

More than once it has been asserted that I am introducing "politics"; and then we have been reminded of the Presidential election, which to certain Senators is a universal prompter. I asked for reform, and the Senator from Indiana [Mr. MORTON], seizing the party bugle, sounded "To arms!" But I am not tempted to follow him. I have nothing to say of the President or of the Presidential election. The Senator cannot make me depart from the rule I have laid down for myself. I introduce no "politics," but only a question which has become urgent, affecting the civil service of the country.

Now, Sir, I have been from the beginning in favor of civil-service reform. I am the author of the first bill on that subject ever introduced into Congress, as long ago as the spring of 1864.[1] I am for a real reform that shall reach the highest as well as the lowest, and I know no better way to accomplish this beneficent result than by striving at all times for purity in the administration of Government. Therefore, when officials fall under suspicion, I should feel myself disloyal to the Government, if I did not insist on the most thorough inquiry. So I have voted in the past, so I must vote in the future. Call you this politics? Not in the ordinary sense of the term. It is only honesty and a just regard for the public weal.

[1] April 30, 1864: A Bill to provide for the greater Efficiency of the Civil-Service of the United States. Congressional Globe, 38th Cong. 1st Sess., p. 1985; also, *ante*, Vol. XI. p. 278, seqq.

Then it has been said that I am a French agent, and even a Prussian agent, — two in one. Sir, I am nothing but a Senator, whose attention was first called to this matter by a distinguished citizen not named in this debate. Since then I have obtained such information with regard to it as was open to me, — all going to develop a case for inquiry.

I should say nothing more in reply to this allegation but for the vindictive personal assault made upon a valued friend, the Marquis de Chambrun. The Senator from Missouri [Mr. SCHURZ] has already spoken for him; but I claim this privilege also. Besides his own merits, this gentleman is commended to Americans by his association with the two French names most cherished in our country, Lafayette and De Tocqueville. I have known him from the very day of his arrival in Washington early in the spring of 1865, and have seen him since, in unbroken friendship, almost daily. Shortly after his arrival I took him with me on a visit to Mr. Lincoln at the front, close upon the capture of Richmond. This stranger began his remarkable intimacy with American life by several days in the society of the President only one week before his death. He was by the side of the President in his last visit to a military hospital, and when he last shook hands with the soldiers; also when he made his last speech from the window of the Executive Mansion, the stranger was his guest, standing by his side. From that time down to this day of accusation his intimacies have extended beyond those of any other foreigner. His studies of our institutions have been minute and critical, being second only to those of his late friend De Tocqueville. Whether conversing on his own country or on ours, he is always at home.

If at any time the Marquis de Chambrun sustained official relations with the French Government, or was its agent, he never spoke of it to me; nor did I ever know it until the papers produced by the Senator from Iowa [Mr. HARLAN]. Our conversation was always that of friends, and on topics of general interest, not of business. Though ignorant of any official relations with his own Government, I could not fail to know his close relations with members of our Government, ending in his recent employment to present our case in French for the Geneva tribunal,—an honorable and confidential service, faithfully performed.

The Senator from Indiana knew of the arms question some five months before the meeting of Congress. I did not. It was after the session began, and just before the holidays, that I first knew of it. And here my informant was not a foreigner, but, as I have already said, a distinguished citizen. The French "spy," as he is so happily called, though with me daily, never spoke of it; nor did I speak of it to him. By-and-by the Senator from Missouri mentioned it, and then, in my desire to know the evidence affecting persons here, if any such existed, I spoke to my French friend. This was only a few days before the resolution.

Such is the history of my relations with the accused. There is nothing to disguise, nothing that I should not do again. I know no rule of senatorial duty or of patriotism which can prevent me from obtaining information of any kind from any body, especially when the object is to pursue fraud and to unmask abuse. Is not a French gentleman a competent witness? Once the black could not testify against the white, and now in some places the testimony of a Chinese is rejected. But

I tolerate no such exclusion. Let me welcome knowledge always, and from every quarter. "Hail, holy light!" — no matter from what star or what nation it may shine.

And this gentleman, fresh from a confidential service to our own Government, enjoying numerous intimacies with American citizens, associated with illustrious names in history and literature, and immediately connected with one of the highest functionaries of the present French Government, M. de Rémusat, Minister for Foreign Affairs, is insulted here as an "emissary" and a "spy"; nay, more, France is insulted, — for these terms are applied only to the secret agents of an enemy in time of war. But enough. To such madness of error and vindictive accusation is this defence carried!

Another charge is that I am making a case for Prussia against our own country. Oh, no! I am making a case for nobody. I simply try to relieve my country from an odious suspicion, and to advance the cause of good government. The Senator from Indiana supposes that this effort of mine, having such objects, may prejudice the Emperor of Germany against us in the arbitration of the San Juan question. The Senator does not pay a lofty compliment to that enlightened and victorious ruler. Nay, Sir, the very suggestion of the Senator is an insult to him, which he is too just to resent, but which cannot fail to excite a smile of derision. Surely the Senator was not in earnest.

The jest of the Senator, offered for argument, seems to forget that all these things are notorious in Europe, through the active press of Paris and London. Why, Sir, our own State Department furnishes official evidence that the alleged sale of arms to the French by our

Government is known in Berlin itself, right under the eyes of the Emperor. Our Minister there, Mr. Bancroft, in his dispatch of January 7, 1871, furnishes the following testimony from the London "Times": —

"During the Crimean War, arms and munitions of war had been freely exported from Prussia to Russia; and recently rifled cannon and ammunition have been furnished to the French in enormous quantities, *not only by private American traders, but by the War Department at Washington.*" [1]

These latter words are italicized in the official publication of our Government, and thus blazoned to the world. I do not adduce them to show that the War Department did sell arms to belligerent France, but that even in Berlin the imputation upon us was known and actually reported by our Minister. If the latter made any observations on this imputation I know not; for at this point in his dispatch are those convenient asterisks which are the substitute for inconvenient revelations.

In the same spirit with the last triviality, but in the anxiety to clutch at something, it is said that the Alabama Claims are endangered by this inquiry. Very well, Sir. On this point I am clear. If these historic claims, so interesting to the American people, are to be pressed at the cost of purity in our own Government, they are not worth the terrible price. Better give them up at once. Let them all go, every dollar. "First pure, then peaceable"; [2] above all things purity. Sir, I have from the beginning insisted that England should be held to just account for her violation of international duty

[1] Times, December 31, 1870. Executive Documents, 42d Cong. 2d Sess., H. of R., No. 1, Foreign Relations, p. 368.

[2] James, iii. 17.

toward us. Is that any reason why I should not also insist upon inquiry into the conduct of officials at home, to the end that the Government may be saved from reproach? Surely we shall be stronger, infinitely stronger, in demanding our own rights, if we show a determination to allow no wrong among ourselves. Our example must not be quoted against us at any time. Especially must it not be allowed to harden into precedent. But this can be prevented only by prompt correction, so that it shall be without authority. Therefore, because I would have my country irresistible in its demands, do I insist that it shall place itself above all suspicion.

The objection of Senators is too much like the old heathen cry, "Our country, right or wrong." Unhappy words, which dethrone God and exalt the Devil! I am for our country with the aspiration that it may be always right; but I am for nothing wrong. When I hear of wrong, I insist at all hazards that it shall be made right, knowing that in this way I best serve my country and every just cause.

This same objection assumes another form, equally groundless, when it is said that I reflect upon our country and hurt its good name. Oh, no! They reflect upon our country and hurt its good name who at the first breath of suspicion fail to act. Our good name is not to be preserved by covering up anything. Not in secrecy, but in daylight, must we live. What sort of good name is that which has a cloud gathering about it? Our duty is to dispel the cloud. Especially is this the duty of the Senate. Here at least must be that honest independence which shall insist at all times upon purity in the Government, no matter what office-holders are exposed.

Again it is said that our good name cannot be compromised by these suspicions. This is a mistake. Any suspicion of wrong is a compromise, all the more serious when it concerns not only money, but the violation of neutral obligations. And the actual fact is precisely according to reason. Now while we debate, the national character is compromised at Paris, at London, at Berlin, at Geneva, where all these things are known as much as in this Chamber. But your indifference, especially after this debate, will not tend to elevate the national character either at home or abroad.

Such are some of the objections to which I reply. They are words only, as Hamlet says, "Words, words, words." From words let us pass to things.

Mr. President, I come now to the simple question before the Senate, which I presented originally, whether there is not sufficient reason for inquiry into the sale of arms during the French and German War. I state the question thus broadly. The inquiry is into the sale of arms; and this opens two questions, — first, of international duty; and, secondly, of misfeasance in our officials, the latter involving what may be compendiously called the money question.

My object is simply to show grounds for inquiry; and I naturally begin with the rule of international duty.

In the discharge of neutral obligations a nation is bound to *good faith*. This is the supreme rule, to which all else is subordinate. This is the starting-point of all that is done. Without good faith neutral obligations must fail. In proportion to the character of this requirement must be the completeness of its observance. There can be no evasion, not a jot. Any evasion is a

breach, without the bravery of open violation. But evasion may be sometimes by closing the eyes to existing facts, or even by acting without sufficient inquiry. These things are so plain and entirely reasonable as to be self-evident.

Now nothing can be more clear than that no neutral nation is permitted to furnish arms and war material to a belligerent power. Such is a simple statement of the law. I do not cite authorities, as I did it amply on a former occasion.[1]

But there is an excellent author whom I would add to the list as worthy of consideration, especially at this moment, in view of the loose pretensions put forth in the debate. I refer to Mr. Manning, who, in his Commentaries, thus teaches neutral duty: —

"It is no interference with the right of a third party to say that he shall not carry to my enemy instruments with which I am to be attacked. Such commerce is, on the other hand, a deviation from neutrality, — or rather would be so, *if it were the act of a State* and not of individuals."[2]

The distinction is obvious between what can be done by the individual and what can be done by the State. The individual may play the merchant and take the risk of capture; but the State cannot play the merchant in dealing with a belligerent. Of course, if the foreign power is at peace, there is no question; but when the power has become belligerent, then it is excluded from the market. So far as that power is concerned, all sales

[1] Speech, February 14th: Congressional Globe, 42d Cong. 2d Sess., p. 1016.

For the portion of the Speech referred to, setting forth the authorities on this subject, see Appendix (A), pp. 41–44.

[2] Law of Nations, p. 281.

must be suspended. The interdict is peremptory and absolute. In such a case there can be no sale knowingly without mixing in the war, — precisely as France mixed in the war of our Revolution in those muskets sent by the witty Beaumarchais, which England resented by open war.

And this undoubted principle of International Law was recognized by the Secretary of War, when he directed the Chief of Ordnance not to entertain any bids from E. Remington & Sons, who had stated that they were agents of the French Government. In giving these orders he only followed the rule of duty on which the country can stand without question or reproach; but it remains to be seen whether persons under him did not content themselves with obeying the order in letter only, breaking it in spirit. I assume that the order was given in good faith. Was it obeyed in good faith? Here we start with the admitted postulate that it was wrong to sell arms to France.

But if this cannot be done directly, it is idle to say that it can be done indirectly without a violation of good faith. If it cannot be done openly, it cannot be done privily. If it cannot be done above-board, it cannot be done clandestinely. It is idle to reject the bid of the open agent of a belligerent power and then at once accept the bid of another who may be a mere man-of-straw, unless after careful inquiry into his real character.

Nothing can be clearer than the duty of the proper officers to consider all bids in the sunlight of the conspicuous events then passing. A terrible war was convulsing the Old World. Two mighty nations were in conflict, one of which was already prostrate *and disarmed*. Meanwhile came bids for arms and war ma-

terial on a gigantic scale, on a scale absolutely unprecedented. Plainly these powerful batteries, these muskets by the hundred thousand, and these cartridges by the million were for the disarmed belligerent and nobody else. It was impossible not to see it. It is insulting to common-sense to imagine it otherwise. Who else could need arms and war material to the amount of four million dollars at once? Now it appears by the dispatches of the French Consul-General at New York, which I find in an official document, that on the 22d October, 1870, he telegraphed to the Armament Commission at Tours: —

"The prices of adjudication have been 100,000 muskets at $9.30; 40,000 at $12.30; 100,000 at $12.25; 50,000,000 cartridges at $16.30 the thousand: altogether, with the commission to Remington and the incidental expenses, more than four million dollars."

Such gigantic purchases, made at one time, or in the space of a few days, could have but one destination. It is weakness to imagine otherwise. Obviously, plainly, unquestionably, they were for the disarmed belligerent. The telegraph each morning proclaimed the constant fearful struggle, and we all became daily spectators. In the terrible blaze, filling the heavens with lurid flame, it was impossible not to see the exact condition of the two belligerents, — Germany always victorious, France still rallying for the desperate battle. But the officials of the Ordnance Bureau saw this as plainly as the people. Therefore were they warned, so that every applicant for arms and war material on a large scale was open to just suspicion. These officials were put on their guard as much as if a notice or *caveat*

had been filed at the War Department. In neglecting that commanding notice, in overruling that unprecedented *caveat*, so far as to allow these enormous supplies to be forwarded to the disarmed belligerent, they failed in that proper care required by the occasion. If I said that they failed in good faith, I should only give the conclusion of law on unquestionable facts.

In the case of the *Gran Para*, Chief-Justice Marshall, after exposing an attempt to evade our neutral obligations by an ingenious cover, exclaimed, in words which he borrowed from an earlier period of our history, but which have been often quoted since: "This would, indeed, be a fraudulent neutrality, disgraceful to our own Government, and of which no nation would be the dupe."[1] I forbear at present to apply these memorable words, which show with what indignant language our great Chief-Justice blasted an attempt to evade our neutral obligations. In calling it fraudulent he was not deterred by the petty cry of a false patriotism, that his judgment might affect the good name of our country. Full well he knew that national character could suffer only where fraud is maintained.

I doubt much if the true rule can be laid down in better words than those I quoted on a former occasion from the Spanish minister at Stockholm, denouncing the sale of Swedish frigates.[2] He protested against "arms and munitions furnished through *intermediate speculators*, under pretence of not knowing the result," which he exhibited as an "act of hostility" and a "political scandal." According to this excellent protest, the sale is not protected from condemnation merely by "intermediate speculators" and the "pre-

[1] 7 Wheaton, R., 487.

[2] See Appendix (A), pp. 43, 44.

tence of not knowing the result." And this is only according to undoubted reason. It is simply a question of good faith; and if, taking into view the circumstances of the case and the condition of the times, there is reasonable ground to believe that "intermediate speculators" are purchasing for a belligerent, then the sale cannot be made, nor will any "pretence of not knowing the result" be of avail.

In harmony with this Spanish protest is the calm statement of a Joint Committee of Congress, where this question of international duty is treated wisely. I read from the report of Mr. Jenckes on the sale of certain ironclads: —

"Perhaps the international feature of this transaction is the most grave one for the consideration of Congress. It is a matter of notorious public history that war was being carried on in the years 1865 and 1866 between the Government of Spain, on the one hand, and the Governments of Peru and Chili, on the other. During the pendency of hostilities, applications were made to obtain possession of these vessels for one of the belligerents. If the Government of the United States had been *privy* to any arrangement by which these vessels of war should be delivered to the agents of a belligerent, either in our own ports or upon the high seas, it would certainly have violated its international obligations. Of course, when Congress authorized the sale of these vessels, it was known that individuals had no use for them; yet it might have assumed, as in the case of the Dunderberg and the Onondaga," —

Now mark the words, if you please, —

"that the Executive Department would take care that any individual who should purchase with a view to a resale to

some foreign power would not be permitted to violate the obligations of the United States as a neutral nation."[1]

Observe, if you please, the language employed. If the Government of the United States had been "privy" to any arrangement for the delivery of these vessels to the agents of a belligerent, it would certainly have violated its international obligations. This is undoubtedly correct. Then comes the assumption "that the Executive Department would *take care* that any individual who should purchase *with a view to a resale* to some foreign power would not be permitted to violate the obligations of the United States as a neutral nation." Here again is the true rule. The Executive is bound to take care that there shall be no sale with a view to a resale in violation of neutral duties.

All this is so entirely reasonable, indeed so absolutely essential to the simplest performance of international duty, that I feel humbled even in stating it. The case is too clear. It is like arguing the Ten Commandments or the Multiplication Table. International Law is nothing but international morality for the guidance of nations. And be assured, Sir, that interpretation is the truest which subjects the nation most completely to the Moral Law. "Thou shalt not sell arms to a belligerent," is a commandment addressed to nations, and to be obeyed precisely as that other commandment, "Thou shalt not steal." No temptation of money, no proffer of cash, no chink of "the almighty dollar," can excuse any departure from this supreme law; nor can any intervening man-of-straw have any other effect than to augment the offence by the shame of a trick.

[1] House Reports, 40th Cong. 2d Sess., No. 64, p. 5.

Here, Sir, I am sensitive for my country. I can imagine no pecuniary profits, no millions poured into the Treasury, that can compensate for a departure from that international honesty which is at once the best policy and the highest duty. The dishonesty of a nation is illimitable in its operation. How true are the words, —

> " 'T will be recorded for a precedent;
> And many an error, by the same example,
> Will rush into the State: it cannot be." [1]

The demoralization is felt not at home only. Whatever any nation does is an example for other nations; whatever the Great Republic does is a testimony. I would have that testimony pure, lofty, just, so that we may welcome it when commended to ourselves; so that, indeed, it may be a glorious landmark in the history of civilization.

Therefore do I insist that international obligations, especially when war is raging, cannot be evaded, cannot be slighted, cannot be trifled with. They are not only sacred, they are sacrosanct; and whoso lays hands on them, whoso neglects them, whoso closes his eyes to their violation, is guilty of a dishonesty which, to the extent of its influence, must weaken public morals at home, while it impairs the safeguards of peace with other nations and sets ajar the very gates of War.

This question cannot be treated with levity, and waved out of sight by a doubtful story. Even if Count Bismarck, adapting himself to the situation, and anxious to avoid additional controversy, had declared in conversation that he would take these arms on the banks of the Loire,[2] this is no excuse for us. Our rule of duty is not

[1] Merchant of Venice, Act iv. Sc. 1.

[2] Letter of Treasurer Spinner to Senator Wilson, February 16, 1872: Congressional Globe, 42d Cong. 2d Sess., p. 1072.

found in the courageous gayety of any foreign statesman, but in the Law of Nations, which we are bound to obey, not only for the sake of others, but for the sake of ourselves. All other nations may be silent; Count Bismarck may be taciturn; but we cannot afford to cry, "Hush!" The evil example must be corrected, and the more swiftly the better.

On this simple statement of International Law, it is evident that there must be inquiry to see if through the misfeasance of officials our Government has not in some way failed to comply with its neutral duties. Subordinates in England are charged with allowing the escape of the Alabama. Have any subordinates among us played a similar part? It is of subordinates that I speak. Has the Government suffered through them? Has their misfeasance, their jobbery, their illicit dealing, compromised our country? Is there any ring about the Ordnance Bureau through which our neutral duties have been set at nought? Here I might stop without proceeding further. The question is too grave to be blinked out of sight; it must be met on the law and the facts.

In this presentation I do not argue. The case requires a statement only. Beyond this I point to the honorable example which our country has set in times past. The equity with which we have discharged our neutral obligations has been the occasion of constant applause. Mr. Ward, the accomplished historian of the Law of Nations, and also of a treatise on the "Rights and Duties of Belligerent and Neutral Powers," which Chancellor Kent says "exhausted all the law and learning applicable to the question,"[1] wrote in 1801, four years after Washington's retirement: —

[1] Commentaries on American Law, Vol. I. p. 128.

"Of the great trading nations, America is almost the only one that has shown consistency of principle. The firmness and thorough understanding of the Laws of Nations, which during this war [the French Revolution] she has displayed, must forever rank her high in the scale of enlightened communities."[1]

Another English writer, Sir Robert Phillimore, author of the comprehensive work on International Law, speaks of the conduct of the United States as, "under the most trying circumstances, marked not only by a perfect consistency, but by *preference for duty and right* over interest and the expediency of the moment."[2] Then again, in another place, the same English authority, after a summary of our practice and jurisprudence in seizing and condemning vessels captured in violation of neutrality, declares: —

"In these doctrines a severe, *but a just*, conception of the duties and rights of neutrality appears to be embodied."[3]

An excellent French writer on International Law, Baron de Cussy, remarks, on mentioning our course with reference to a steamer purchased by Prussia in its war with Denmark in 1849, —

"It affords a genuine proof of respect for the obligations of neutrality."[4]

American loyalty to neutral duties received the homage of the eminent orator and statesman Mr. Canning, who, from his place in Parliament, said: —

[1] A Treatise of the Relative Rights and Duties of Belligerent and Neutral Powers, in Maritime Affairs, by Robert Ward, Esq., Barrister at Law, (London, 1801,) p. 166.

[2] Commentaries upon International Law, Vol. III. p. 282.

[3] Ibid., p. 427.

[4] Phases et Causes Célèbres. Tom. II. p. 407.

"If I wished for a guide in a system of neutrality, I should take that laid down by America in the days of the Presidency of Washington and the Secretaryship of Jefferson."[1]

These testimonies may be fitly concluded by the words of Mr. Rush, so long our Minister in England, who records with just pride the honor accorded to our doctrines on neutral duties: —

"They are doctrines that will probably receive more and more approbation from all nations as time goes on, and continues to bring with it, as we may reasonably hope, further meliorations to the code of war. They are as replete with international wisdom as with American dignity and spirit. . . . .

"Come what may in the future, we can never be deprived of this inheritance. It is a proud and splendid inheritance."[2]

Such is the great and honest fame already achieved by our Republic in upholding neutral duties. No victory in our history has conferred equal renown. Surely you are not ready to forget the precious inheritance. No, Sir, let us guard it as one of the best possessions of our common country, — guard it loyally, so that it shall continue without diminution or spot. Here there must be no backward step. Not *Backward*, but *Forward*, must be our watchword in the march of civilization.

I am now brought to that other branch of the subject which concerns directly the conduct of our officials; and here my purpose is to simplify the question. Therefore I shall avoid details, which have occupied the Senate for days; and I put aside the apparent discre-

[1] Speech on the Report of the Foreign Enlistment Bill, April 16, 1823: Hansard's Parliamentary Debates, N. S., Vol. VIII. col. 1056.

[2] Occasional Productions, pp. 176, 177. See the letter to William H. Trescott upon Public and Diplomatic Subjects.

pancy between the Annual Report of the War Department and the Annual Report of the Treasurer, which has been satisfactorily explained on this floor, so that this ground of inquiry is removed. I bring the case to certain heads, which, taken together in their mass, make it impossible for us to avoid inquiry, without leaving the Government or some of its officials exposed to serious suspicion. Now, as at the beginning, I make no accusation against any officer of our Government, — none against the President, none against the Secretary of War; but I exhibit reasons for the present proceeding.

The case naturally opens with the resolution of the Committee of the French Assembly, asking the United States "to furnish the result of the inquiry into the conduct of American officials who were suspected of participating in the purchase of arms for the French Government during the war." This seems to have been adopted as late as February 9th last past. At least it appears in the cable dispatch of that date.[1] From this resolution three things are manifest: first, that the sale of arms by our Government is occupying the attention of the French Legislature; secondly, that American officials are suspected of participating in the purchase for the French Government; and, thirdly, that it is supposed that our Government has instituted an inquiry into the case.

This resolution is, I believe, without precedent. I recall no other instance where a foreign legislative as-

[1] This dispatch, after remaining unquestioned for more than a month and for several weeks after the date of this speech, was finally contradicted by the French authorities. See Telegram from Minister Washburne to Secretary Fish, March 19, and Note from the French Chargé at Washington, M. de Bellonet, to same, March 30, 1872: Report of Committee on Sale of Ordnance Stores, — Senate Reports, 42d Cong. 2d Sess., No. 183, pp. 524, 604.

sembly has made any inquiry into the conduct of the officials of another country. If this were done in an inimical or even a critical spirit, it might, perhaps, be dismissed with indifference. But France, once in our history an all-powerful ally, is now a friendly power, with which we are in the best relations. Any movement on her part with regard to the conduct of our officials must be received according to the rules of comity and good-will. It cannot be disregarded. It ought to be anticipated. This resolution alone would justify inquiry on our part.

Passing to evidence, I come to the telegraphic dispatch of Squire, son-in-law and agent of Remington, actually addressed in French cipher to the latter in France, under date of October 8, 1870. Though brief, it is most important: —

"We have *the strongest influences* working for us, which will use all their efforts to succeed."

Considering the writer of this dispatch, his family and business relations with Remington, to whom it was addressed, it is difficult to regard it except as a plain revelation of actual facts. It was important that Remington should know the precise condition of things. His son-in-law and agent telegraphs that "the strongest influences" are at work for them. What can this mean? Surely here is no broker or arms-merchant, engaged in the course of business. It is something else, — plainly something else. What? That is the point for inquiry. Mr. Squire is an American citizen. Let him be examined and cross-examined, under oath. Let him disclose what he meant by "the strongest influences." He could not have intended to deceive his father-in-law, and puff

himself. He was doubtless in earnest. Did he deceive himself? On this he is a witness. But until those words are so far explained as to show that they do not point to officials, the natural inference is that it was on them that he relied, — that they were "the strongest influences" by which the job was to be carried through; for, of course, it was a job which he announced.

It cannot be doubted that this dispatch of Mr. Squire by itself alone is enough to justify inquiry. Without the resolution of the French Assembly, and without the supplementary testimony to be adduced, it throws a painful suspicion upon our officials, which should compel them to explain.

But the letter of Mr. Remington, already adduced,[1] carries this suspicion still further, by adding his positive testimony that he dealt with the Government. Before referring again to this testimony, it is important to consider the character of the witness; and here we have the authentication of the Secretary of War, who has recommended and indorsed him, in a formal paper to be used in France. Others may question the statements of Mr. Remington, but no person speaking for the Secretary will hesitate to accept them. If the testimony of the Secretary needed support, it would be found in the open declarations on this floor by the Senator from New York [Mr. CONKLING], and in the following letter, which the Senator dated from the Senate Chamber during the recess, when notoriously the Senate was not in session: —

[1] Speech of February 14th: Congressional Globe, 42d Cong. 2d Sess., pp. 1008, 1013. This important letter may be found in the Report of the Select Committee on the Sales of Ordnance Stores by the United States Government during the Fiscal Year 1871-72: Senate Reports, 42d Cong. 2d Sess., No. 183.

"SENATE CHAMBER,
"WASHINGTON, D. C., November 17, 1871.

"MY DEAR SIR, — I learn with surprise that your personal and commercial situation and the good name of the house of Remington & Sons have been questioned. Having known your father and sons for many years, having lived within a stone-throw, so to say, of your house for a number of years, and being one of the Senators of your State, I cannot hesitate to give you my testimony relative to the accusations that have, as has been told me, been brought against you in France.

"As to what concerns personal situation, importance of affairs, success, solvency, wealth, and fidelity to the Government of the United States, your house has for a long time occupied a front rank, not only in the State of New York, but also in the Union.

"The allegation that you lack experience as a manufacturer of arms, or in anything that can, as a man of business, entitle you to respect, is, I can affirm in all sincerity, destitute of foundation, and must proceed from ignorance or malignity.

"Sincerely, your obedient servant,

"ROSCOE CONKLING.

MR. SAMUEL REMINGTON."

Thus does the Senator from New York vouch for the "good name" of Mr. Remington.

Thus introduced, thus authenticated, and thus indorsed, Mr. Remington cannot be rejected as a witness, especially when he writes an official letter to the Chairman of the French Armament Commission at Tours. You already know something of that letter, dated at New York, December 13, 1870. My present object is to show how, while announcing his large purchases of batteries, arms, and cartridges, he speaks of dealing with Government always, and not even with any intermediate agent.

Mr. Conkling. Will the Senator allow me there one moment, as he has referred to me?

Mr. Sumner. Certainly.

Mr. Conkling. He is engaged at this point, if I understand him aright, in supporting Mr. Remington in his character; and as the document from which he made the translation of my letter also contains stronger fortification in aid of the Senator and of Mr. Remington, I beg to call attention to it. The Senator might refer not only to my letter, but to letters written by Governor Hoffman, ex-Governor Horatio Seymour, Edwin D. Morgan, late a member of this body, General John A. Dix, not unknown here, and other citizens of the State of New York, who certify, I believe in somewhat stronger terms than those I employed, to the probity and standing of Mr. Remington.

Mr. Sumner. I am obliged to the Senator for the additional testimony that he bears. It only fortifies the authority of Mr. Remington, which was my object. I took the liberty of introducing the letter of the Senator, because he is among us, and had vouched for Mr. Remington personally. I gladly welcome the additional evidence which the Senator introduces. It is entirely in harmony with the case that I am presenting. I wish to show how Mr. Remington was regarded by the Senator, by the Secretary of War, and by other distinguished citizens, — so that, when he writes an official letter to the Chairman of the Arms Committee of Tours, he cannot be rejected as a witness.

The letter is long, and early in it the writer alludes to a credit from France and certain instructions with regard to it, saying: —

"This we could not do, as a considerable portion had been *already paid out to the Government*."

Then coming to the purchase of breech-loading Springfield muskets, he writes: —

"*The Government* has never made but about seventy-five thousand, all told; and forty thousand is the greatest number *they think it prudent to spare.*"

In order to increase the number he proposed an exchange of his own, and here he says: —

"This question of an exchange, *with the very friendly feeling I find existing to aid France*, I hope to be able to procure more."

Where was "the very friendly feeling existing to aid France"? Not among merchants, agents, or brokers. This would hardly justify the important declaration with regard to a feeling which was so efficacious.

Then comes the question of cartridges; and here the dealings with the Government become still more manifest: —

"Cartridges for these forty thousand will in a great measure require to be made, as *the Government* have but about three millions on hand. But *the Government* has consented to allow the requisite number, four hundred for each gun, to be made, and the cartridge-works have had orders, given yesterday, to increase production to the full capacity of works."

Observe here, if you please, the part performed by the Government, — not only its consent to the manufacture, but the promptitude of this consent. This was not easily accomplished, as the well-indorsed witness testifies: —

"This question of making the cartridges *at the Government works* was a difficult one to get over. But it is done."

Naturally difficult; but the agent of France overcame all obstacles. Then as to price: —

"The price *the Government* will charge for the guns and cartridges will be ——, or as near that as possible."

Always "the Government"! Then comes another glimpse: —

"The forty thousand guns cannot all be shipped immediately, as they are distributed *in the various arsenals throughout the country.*"

That is, the Government arsenals.

Then appears one of our officials on the scene: —

"*The Chief of Ordnance* thinks it may take twenty to thirty days before all could be brought in."

Then again the witness reports: —

"*The Chief of Ordnance* estimates the cost of the arms, including boxing and expense of freight to bring them to New York, at $20.60 currency."

Then as to the harness: —

"*The Government* have not full complete sets to the extent of twenty-five hundred after selling the number required for the fifty batteries."

Always "the Government"!

Then, after mentioning that some parts of the harness are wanting, he says: —

"I have made arrangements to have this deficiency made good by either *the Government* or by outside persons."

But the Government does all it can: —

"In the mean time *the Government* have ordered the harness to be sent here immediately."

Then at the close the witness says: —

"I forgot to say *the Government* have no Spencer rifles, having never had but a small number, and all of those you have bought."

And he adds —

that "they have from three to four thousand transformed Springfields," which he "may think best to take *after examination*," —

showing again his intimate dealings with the Government.

Such is the testimony of Mr. Remington, the acknowledged agent of France. It is impossible to read these repeated allusions to "the Government" and "the Chief of Ordnance" without feeling that the witness was dealing directly in this quarter. If there was any middleman, he was of straw only; but a man-of-straw is nobody. If Mr. Remington's character were not vouched so completely, if he did not appear on authentic testimony so entirely above any misrepresentation, if he were not elevated to be the model arms-dealer, this letter, with its numerous averments of relations with the Government, would be of less significance. But how can these be denied or explained without impeaching this witness?

But Mr. Remington is not without important support in his allegations. His French correspondent, M. Le Cesne, Chairman of the Armament Committee, has testified in open court that the French dealt directly with the Government. He may have been mistaken; but his testimony shows what he understood to be the case. The Senator from Missouri [Mr. SCHURZ] has already called attention to this testimony, which he cited from a journal enjoying great circulation on the European continent,

"L'Indépendance Belge." The Senator from Vermont, [Mr. EDMUNDS,] not recognizing the character of this important journal, distrusted the report. But this testimony does not depend upon that journal alone. I have it in another journal, "Le Courrier des États-Unis," of October 27, 1871, evidently copied from a Parisian journal, probably one of the law journals, where it is given according to the formal report of a trial, with question and answer: —

"THE PRESIDING JUDGE. Did not this indemnity of twenty-five cents represent certain material expenses, certain disbursements, incidental expenses?

"M. LE CESNE. We could not admit these expenses; *for we had an agreement with the American Federal Government, which had engaged to deliver free on board all the arms on account of France.*"

Now I make no comment on this testimony except to remark that it is in entire harmony with the letter of Mr. Remington, and that beyond all doubt it was given in open court under oath, and duly reported in the trial, so as to become known generally in Europe. The position of M. Le Cesne gave it authority; for, beside his recent experience as Chairman of the Arms Committee, he is known as a former representative in the Assembly from the large town of Havre, and also a resident for twenty years in the United States. In confirmation of the value attached to this testimony, I mention that my attention was first directed to it by Hon. Gustavus Koerner, of Illinois, Minister of the United States at Madrid, under President Lincoln.

To this cumulative testimony I add that already supplied by our Minister at Berlin, under date of January 7,

1871, and published by the Department of State, where it is distinctly said that "recently rifled cannon and ammunition have been furnished to the French in enormous quantities, not only by private American traders, *but by the War Department at Washington.*" This I have already adduced under another head.[1] It is mentioned now to show how the public knowledge of Europe was in harmony with the other evidence.

There is another piece of testimony, which serves to quicken suspicion. It is already admitted by the Secretary of War, that, after refusing Mr. Remington because he was an agent of France, bids were accepted from Thomas Richardson, who was in point of fact an attorney-at-law at Ilion, and agent and attorney of Mr. Remington. But the course of Mr. Remington, and his relations with this country attorney, are not without official illustration. Since this debate began I have received a copy of a law journal of Paris, "Le Droit, Journal des Tribunaux," of January 18, 1872, containing the most recent judicial proceedings against the French Consul-General at New York. Here I find an official report from the acting French Consul there, addressed to the French Minister of Foreign Affairs, under date of August 25, 1871, where a fact is described which was authenticated at the Consulate, being an affidavit or deposition before a notary by a clerk of Mr. Remington, on which the report remarks: —

"This declaration establishing that this manufacturer caused the books of his house to be recopied three times, and in doing so altered the original form."

The Report adds: —

[1] *Ante*, p. 12.

"It is in this document that mention is made of the character, I might say criminal, which the name of Richardson appears to have assumed in the affairs of Mr. Remington."

After remarking that the witness who has thus testified has exposed himself to the penalties of perjury, being several years of imprisonment, the Report proceeds: —

"You see from this that the operations of Mr. Remington give only too much of a glimpse of the most audacious frauds."

Here is testimony tending at least to stimulate inquiry: Mr. Remington's books altered three times, and the name of Richardson playing a criminal part. I quote this from an official document, and leave it.

Here, then, are six different sources of testimony, all prompting inquiry: first, the resolution of a committee of the French Assembly, showing suspicion of American officials; secondly, the cable dispatch of Squire, son-in-law and agent of Mr. Remington, declaring that "we have the strongest influences working for us, which will use all their efforts to succeed"; thirdly, the letter of Mr. Remington, reporting, in various forms and repetitions, that he is dealing with the American Government; fourthly, the testimony of M. Le Cesne, the Chairman of the French Armament Committee, made in open court and under oath, that the French "had an agreement with the American Federal Government, which had engaged to deliver free on board all the arms on account of France"; fifthly, the positive declaration of the London "Times" in the face of Europe, and reported by our Minister at Berlin, that rifled cannon and ammunition

had been furnished to the French in enormous quantities by the War Department at Washington; and, sixthly, the testimony of a clerk of Mr. Remington, authenticated by the French Consul-General at New York, that Mr. Remington had altered his books three times, and also speaking of the criminal character of Richardson in the affairs of Mr. Remington. On this cumulative and concurring testimony from six different sources is it not plain that there must be inquiry? The Senate cannot afford to close its eyes. The resolution of the committee of the French Assembly alone would be enough; but reinforced as it is from so many different quarters, the case is irresistible. Not to inquire is to set at defiance all rules of decency and common-sense.

To these successive reasons I add the evidence, which has been much discussed, showing a violation of the statute authorizing the sale of "the old cannon, arms, and other ordnance stores, now in possession of the War Department, which are damaged or otherwise unsuitable for the United States military service or for the militia of the United States,"[1] — inasmuch as stores were sold which were not "damaged" or "otherwise unsuitable." I think no person can have heard the debate without admitting that here at least is something for careful investigation. The Senator from Missouri has already exposed this apparent dereliction of duty, which in its excess ended in actually disarming the country, so as to impair its defensive capacity. One of the crimes of the Cabinet of Mr. Buchanan on the eve of the Rebellion was that the North had been disarmed. It is important to consider whether, in the strange greed for

[1] Joint Resolution, July 20, 1868: Statutes at Large, Vol. XV. p. 259.

money or in the misfeasance of subordinates, something similar was not done when good arms were sold to France. The Chief of Ordnance, in his last Annual Report, which will be found in the Report of the Secretary of War, makes the following statement: —

"Now there are less than ten thousand breech-loading muskets in the arsenals for issue. This number of muskets is not half sufficient to supply the States with the muskets they are now entitled to receive under their apportionment of the permanent appropriation for arming and equipping the militia."

Why, then, were breech-loading muskets exchanged for French gold? The Chief of Ordnance then proceeds: —

"This Department should, as soon as possible, be placed in a condition to fill all proper requisitions by the States upon it, and should also have on hand in store a large number of breech-loading muskets and carbines to meet any emergency that may arise."

But these very breech-loading muskets have gone to France. The Chief of Ordnance adds: —

"Ten years ago the country felt that not less than a million of muskets should be kept in store in the arsenals."[1]

Why was not this remembered, when the arsenals were stripped to supply France?

This important testimony speaks for itself. It is not sufficient to recount against it the arms actually in the national arsenals. The Chief of Ordnance answers the allegation by his own statements. He regrets the small number of breech-loading muskets on hand, and refers

[1] Executive Documents, 42d Cong. 2d Sess., H. of R., No. 1, Part 2, pp. 250, 251.

as an example to the standard ten years ago, when it was felt that a million of muskets should be kept in store. It is not I who say this; it is the Chief of Ordnance.

But these several considerations, while making inquiry imperative, do not touch the money question involved. If in the asserted dealings with a belligerent power, in violation of our neutral duties, there is reason to believe corrupt practices of any kind, if there are large sums of money that seem to be unaccounted for, then is there additional ground for inquiry. Two questions are presented: first, as to the violation of neutral duties; and, secondly, as to misfeasance of subordinates involving money. In both cases the question, I repeat, is of inquiry.

I do not dwell now on the sums lost by France in this business. They are supposed to count by the million; but here I make no allegation. I allude only to what appears elsewhere.

Unquestionably there are enormous discrepancies between the sums paid by France for arms actually identified as coming from our arsenals and the sums received by our Ordnance Bureau. In different reports these discrepancies assume different forms. Not to repeat what has been said on other occasions, I introduce the report of the acting French Consul at New York, dated August 25, 1871, where, after showing that France received only 368,000 muskets and 53,000,000 cartridges, while the accounts with Mr. Remington enumerate a sum-total of 425,000 arms and 54,000,000 cartridges, it is said: —

"Whence comes this difference of 57,000 between the arms said to be sent from here and those which were received in France, if in fact the report of M. Riant signifies that they

have only received a total of 368,000? How explain that there were 425,000 put on the bills of lading, and that the price of these was paid in New York?"

Now this discrepancy may be traced exclusively to French agents, so that our subordinates shall not in any way be involved; but when we consider all the circumstances of this transaction, it affords grounds of inquiry.

But there is another witness on this head, not before mentioned in this debate. I have here an extract from the official report of M. de Bellonet, the French *Chargé d'Affaires* at Washington, made to his Government on this very question of losses down to a certain period. His language is explicit: "The *dry loss* to the Treasury of France must have been about $1,500,000, or seven million francs." This, be it remembered, is only a partial report down to a certain period. Now there is nothing in this report to charge this "dry loss" upon our officials. It may be that it was all absorbed by the intermediate agents. But taken in connection with the telegram of Squire and the abundant letter of Mr. Remington, it leaves a suspicion at least adverse to our officials.

Sir, let me be understood. I do not believe that any inquiry by any committee can give back to France any of the enormous sums she has lost. They have already gone beyond recall into the portentous mass of her terrible sacrifices destined to be an indefinite mortgage on that interesting country. Not for the sake of France or of any French claimant do I propose inquiry, but for our sake, for the sake of our own country. We read of that vast Serbonian bog "where armies whole have sunk." It is important to know if there is any such bog anywhere about our Ordnance Office, where millions whole have sunk.

Investigation is the order of the day. Already in France, amid all the anxieties of her distracted condition, these purchases of arms have occupied much attention. As far back as last April, the "Soir," a journal at Versailles, where the Convention was sitting, called for parliamentary inquiry. Its language was strong: —

"A parliamentary inquiry made in full day can alone establish either the culpability of some or the perfect honorableness of others."

And the same French organ added: —

"The Chamber, in consigning this matter to its pigeonholes, refused satisfaction to an awakened public morality."

There is, then, in France an awakened public morality, as we hope there is also in the United States, which demands investigation where there is suspicion of corrupt practices. The French Chamber has instituted inquiry.

Mr. President, as a Republic, we are bound to the most strenuous care, so that our example may not in any way suffer. If we fail, then does Republican Government everywhere feel the shock. For the sake of others as well as of ourselves must we guard our conduct. How often do I insist that we cannot at any moment, or in any transaction, forget these great responsibilities! As no man "liveth to himself," so no nation "liveth" to itself; especially is this the condition of the Great Republic. By the very name it bears, and by its lofty dedication to the rights of human nature, is it vowed to all those things which contribute most to civilization, keeping its example always above suspicion. That great political philosopher, Montesquieu, announces that

the animating sentiment of Monarchy is "Honor," but the animating sentiment of a Republic is "Virtue."[1] I would gladly accept this flattering distinction. Therefore, in the name of that Virtue which should inspire our Government and keep it forever above all suspicion, do I move this inquiry.

On this whole matter the Senate will act as it thinks best, ordering that investigation which the case requires. For myself I have but one desire, which is, that this effort, begun in the discharge of a patriotic duty, may redound to the good of our country, and especially to the purity of the public service.

[1] De l'Esprit des Lois, Liv. III. chs. iii. vi.

APPENDIX.

(A.) Page 15.

AUTHORITIES REFERRED TO IN SPEECH.

Wheaton, our great authority, in Lawrence's edition, page 727, quotes Vattel as laying down the rule of neutrality : —

"To give no assistance where there is no previous stipulation to give it ; nor voluntarily to furnish troops, arms, ammunition, or anything of direct use in war."

Vattel, as quoted, then says : —

"I do not say, *To give assistance equally*, but, *To give no assistance;* for it would be absurd that a State should assist at the same time two enemies." — *Le Droit des Gens*, Liv. III. ch. vii. § 104.

Another home authority, the late General Halleck, in his work on International Law, after speaking of merchants en-

gaged in selling ships and munitions of war to a belligerent, says : —

"The act is wrong in itself, and the penalty results from his violation of moral duty as well as of law. The duties imposed upon the citizens and subjects flow from exactly the same principle as those which attach to the government of neutral States."

He then says, quoting another : —

"By these acts he makes himself personally a party to a war in which, as a neutral, he had no right to engage, and his property is justly treated as that of an enemy." — *International Law*, p. 631.

Our other home authority, Professor Woolsey, in his work on International Law, section 162, says : —

"International Law does not require of the neutral sovereign that he should keep the citizen or subject within the same strict lines of neutrality which he is bound to draw for himself." — *Introduction to the Study of International Law*, 2d edition, p. 270.

That is, a citizen may sell ships and arms to a belligerent and take the penalty, but the Government cannot do any such thing.

Another authority of considerable weight, Bluntschli, the German, lays down the rule as follows : —

"The neutral State must neither send troops to a belligerent, nor put ships of war at its disposal, nor furnish subsidies to aid it in making the war.

"In coming *directly* to the aid of one of the belligerent powers by the sending of men or war material, one takes part in the war." — *Droit International Codifié*, tr. LARDY, art. 757, p. 381.

There is the true principle : "By the sending of men or war material one takes part in the war."

But the most important illustration of this question, and the only case bearing directly on this point, which, according

to my recollection, has ever been diplomatically discussed, is one somewhat famous at the time, known as that of the Swedish Frigate, which will be found in the second series of "Causes Célèbres," by Baron Charles de Martens.

It seems that in 1825, after ten years of peace, the Swedish Government conceived the idea of parting with ships, some of them more than twenty years old, as comparatively useless. A contract for their sale was made with a commercial house in London. The Spanish Government, by their minister at Stockholm, protested, on the alleged ground, that, though nominally sold to merchants, they were purchased for the revolted colonies in Mexico and South America, and in his communication, dated the 1st of July, 1825, used the following energetic language, which I translate: —

"And what would his Majesty the King of Sweden think, on the supposition of the revolt of one of his provinces, — of the kingdom of Norway for example, — if friendly and allied powers furnished the rebels with arms, munitions, a fleet even, through intermediate speculators, and under pretence of not knowing the result —

I translate literally, —

" intermediate speculators, and under pretence of not knowing the result? Informed of these preparations, would the Cabinet of Stockholm wait till the steel and the cannon furnished to its enemies had mown down its soldiers, till the vessels delivered to the rebels had annihilated its commerce and desolated its coasts, to protest against similar supplies, and to prevent them if possible? And if the protests were rejected, independently of every other measure, would it not raise its voice throughout Europe, and at the courts of all its allies, against this *act of hostility*, against this violation of the rights of sovereignty, and against this *political scandal?*" — *Causes Célèbres*, Tom. II. pp. 472–73.

These are strong words, but they only give expression to the feelings naturally awakened in a Power that seemed to be imperilled by such an act.

In another communication the same minister said to the Swedish Government : —

"It is the doctrine of irresponsibility which the Cabinet of Stockholm professes with regard to the sale of these war vessels, which excites the most lively representations on the part of the undersigned." — *Note of* 15 *July* 1825 : Ibid., p. 480.

Mark the words, "the doctrine of irresponsibility."

Then, again, the minister says in other words worthy of consideration at this moment : —

"The Swedish Government on this occasion, creating this new kind of commerce, determined to furnish ships of war indiscriminately to every purchaser, even to private individuals without guaranty, — establishing, as it seems to indicate, that the commercial benefits of these sales are for the State a necessity of an order superior to political considerations the most elevated, as to moral obligations the most respectable." — *Note of* 9 *September*, 1825 : Ibid., p. 486.

I ask if these words are not applicable to the present case? Did it not become the Government of the United States at this time, when making these large sales, almost gigantic, so that its suspicion was necessarily aroused, to institute inquiry into the real character of the purchaser? Was it not put on its guard? Every morning told us of war unhappily raging in Europe. Could there be doubt that these large purchases were for the benefit of one of the belligerents? Was our Government so situated that for the sake of these profits it would neglect political considerations called in this dispatch the most elevated, as moral obligations the most respectable? Was it ready to assume the responsibility characterized by the Spanish minister in a case less plain, as "an act of hostility," a "violation of the rights of sovereignty," a "political scandal"?

PARLIAMENTARY LAW ON THE APPOINTMENT OF SPECIAL COMMITTEES OF THE SENATE.

TWO PROTESTS AGAINST THE COMPETENCY OF THE SENATE COMMITTEE TO INVESTIGATE THE SALE OF ARMS TO FRANCE; MARCH 26 AND 27, 1872.

MARCH 26, 1872, Mr. Sumner appeared before the Committee to investigate the sale of arms by the United States during the French and German War, in response to a communication signed by the chairman of the Committee requesting his attendance. After reading this communication, Mr. Sumner proceeded to read and file a protest in the following terms: —

PROTEST.

PERSONALLY, I object to no examination. Willingly would I submit to the most searching scrutiny, not only in the present case, but in all my public life. There is not an act, letter, or conversation at any time, that I would save from investigation. I make this statement, because I would not have the protest I deem it my duty to offer open to suspicion that there is anything I desire to conceal or any examination I would avoid.

But appearing before the Committee on an invitation which is in the nature of a summons, to testify in the investigation originally moved by me into the sale of

arms to France, I am obliged to consider my duty as a Senator. Personal inclinations, whatever they may be, cannot be my guide. I must do what belongs to a Senator under the circumstances of the case.

Before answering any questions, I am constrained to consider the competency of the Committee which has summoned me. It is of less importance what these questions may be, although there are certain obvious limitations, to which I will allude at the outset.

The examination of a Senator by a Committee of the Senate on a matter outside of the Senate, and not connected with his public duties, is sustained by precedents, — as when Mr. Seward and Mr. Wilson were examined with reference to the expedition of John Brown;[1] but any examination with regard to his public conduct, and especially with regard to a matter which he has felt it his duty to lay before the Senate in the discharge of his public duties, is of very doubtful propriety. In his public conduct a Senator acts on his responsibility, under sanction of an oath, and the Constitution declares that "for any speech or debate" he "shall not be questioned in any other place." This inhibition, while not preventing questions of a certain character, must limit the inquiry; but the law steps forward with its own requirements, according to which it is plain that a Senator cannot be interrogated, first, with regard to his conference with other Senators on public business, and, secondly, with regard to witnesses who have confidentially communicated with him.

Referring to the most approved work on the Law of Evidence, — I mean that of Professor Greenleaf, — we

[1] Senate Reports, 36th Cong. 1st Sess., No. 278, pp. 140, 253.

find under the head of "Evidence excluded from Public Policy"[1] at least four different classes of cases, which may enlighten us in determining the questions proper for Senators.

1. Communications between a lawyer and client. And are not the relations of Senators, in the discharge of their public duties, equally sacred?

2. Judges and arbitrators enjoy a similar exemption with regard to matters before them.

3. Grand jurors, embracing even the clerk and prosecuting officer, cannot be examined on matters before them.

4. Transactions between the heads of Departments and their subordinate officers are treated as confidential.

Plainly, the conferences of a Senator, in the discharge of his public duties, cannot be less protected.

This rule is equally imperative with regard to witnesses who have confidentially communicated with a Senator. Here again I quote Professor Greenleaf, who quotes the eminent English judge of the close of the last century, Lord Chief-Justice Eyre, as follows: —

"There is a rule which has universally obtained on account of its importance to the public for the detection of crimes, that those persons who are the channel by means of which that detection is made should not be unnecessarily disclosed."[2]

Then the learned professor proceeds: —

"All were of opinion that all those questions which tend to the discovery of the channels by which the disclosure was made to the officers of justice were, upon the general principles of the convenience of public justice, to be suppressed; that all persons in that situation were protected from the discovery."[3]

[1] Law of Evidence, Part II. ch. xiii.

[2] Ibid., p. 250 (*Rex* v. *Hardy*, 24 Howell's State Trials, 808).

[3] Ibid.

These words are explicit, and nobody can question them.

I am led to make these remarks and adduce these authorities because, perusing the testimony of Mr. Schurz, I find that he was interrogated on these very matters; and since I, too, am summoned as a witness, I desire to put on record my sense of the impropriety of such questions. It is important that they should not become a precedent. And here again I declare that I have nothing to conceal, nothing that I would not willingly give to the world under any examination and cross-examination; but I am unwilling to aid in the overthrow of a rule of law which stands on unquestionable grounds of public policy. Especially is it important in the Senate, where, without such protection, a tyrannical majority might deter a minority from originating unwelcome inquiries.

From these preliminaries I proceed to consider the competency of the present Committee. Requested as a Senator to appear before you, I deem it my duty to protest against the formation and constitution of the Committee as contrary to unquestionable requirements of Parliamentary Law; and I ask the Committee to receive this protest as my answer to their letter of invitation. I make this more readily because in my speech in the Senate, February 28, 1872, entitled "Reform and Purity in Government, Neutral Duties, Sale of Arms to Belligerent France,"[1] I have set forth what moved me to the inquiry, being grounds of suspicion, which, in my judgment, rendered the most searching inquiry by a committee friendly to inquiry absolutely necessary.

[1] *Ante*, p. 5.

The general parliamentary rule in the appointment of special committees requires that they should be organized so as to promote the business or inquiry for which the committee is created. This requirement is according to obvious reason, and is sustained by parliamentary authorities. In familiar language, a proposition is committed to its friends and not to its enemies.

In illustration of this rule, we are told that members who have spoken directly against what is called "the body of the bill," meaning, of course, the substance of the inquiry, are not expected to serve on the committee, but, should they be so nominated, to decline. Their presence on a committee is not unlike participation in a trial by a judge or juror interested in the result.

Very little reflection shows how natural is this rule as an instrument of justice. The friends of a measure, or the promoters of an inquiry, though in the majority on a committee, can do no more than adduce evidence that exists, so that the business cannot suffer through them, — while those unfriendly to a measure, or hostile to an inquiry, may, from lukewarmness, or neglect, or possible prejudice, fail to present the proper evidence or recognize its just value, so that the business will suffer. In legislation, plainly, those who believe an inquiry necessary are the most proper persons to conduct it, and being so, they are selected by Parliamentary Law.

This rule may be traced in the history of Parliament anterior to the settlement of our country. The ancient statement was simply that "those against the bill should not be on the committee." The meaning of the rule is distinctly seen in historic cases, which I proceed to adduce.

In the House of Commons, as far back as November 7,

1601, in the reign of Queen Elizabeth, on the commitment of a bill relating to misdemeanors, the entry in the Journal mentions that it was delivered to a certain member, and then says, "and Mr. Serjeant Harris to be *exempted out of the Committee*, because he spake against the body of the Bill," according to the ancient order in Parliament.[1] In other words, a speech against a measure disqualified the learned member, so that, according to the expressive words, he was "exempted out of the Committee."

Again, in the case of the commitment of a bill affecting the city of London, which came up November 11, 1601, on the question whether the members for London, known to be against the bill, could be of the Committee, the rule of the House was stated in these positive words: "That those against the Bill should be no Committees." Of course, this rule was not merely of *form*, but of *substance*. It meant that those really against the measure were not proper for the Committee, all of which appeared in the recorded debate and proceedings that ensued. A leading member, Mr. Wiseman, said: —

"The House allowing of this Bill to be committed are, in my opinion, to *disallow* any that will be against the Body of the Bill for being Committees."

Sir Edward Hobby followed: —

"And for my own opinion, I think that he that is against the Body of the Bill can be no Committee."

The report then proceeds: —

"Then the Speaker stood up and said, '.... All that will have a man that hath been against the Body of the Bill to be

[1] D'Ewes, Journals of all the Parliaments during the Reign of Queen Elizabeth, p. 629.

a Committee, let them show their opinions by saying *Yea.*' And not one said *Yea.* 'All that will not, say *No.*' And all said *No.*"

I take this important precedent from Townshend's "Historical Collections: or, An Exact Account of the Proceedings of the Four Last Parliaments of Q. Elizabeth," pp. 208, 209. The same account is found also in D'Ewes's "Journals of all the Parliaments during the Reign of Queen Elizabeth," pp. 634–35.

Thus, on submission of the question by the Speaker, the House unanimously decided that they would "not have a man that hath been against the Body of the Bill to be a Committee." According to the report, "All said *No*"; and that unanimous "No" is the voice of Parliamentary Law, repeated ever since. The phrase "against the Body of the Bill" is strong and suggestive, showing the purpose to exclude those who were unfriendly to the measure.

Following the history of the rule, we meet it again, as stated by Hakewel in his "Modus tenendi Parliamentum," published in 1671: —

> "He that speaketh directly against the body of the bill may not be named a committee; for he that would totally destroy will not amend." [1]

Here again is the declared purpose to save the measure from the hands of enemies.

Then follows a case remarkable for words which have become familiar in Parliamentary Law. It was that of Colonel Birch, who, February 11, 1677, brought into Parliament a Bill for Settling a Public Register for Lands in the several Counties, and in his remarks said: —

[1] Page 146.

"I begged you formerly *not to put the child to a nurse that cared not for it.* For it was formerly committed to two lawyers, and the thing was lost." [1]

Here the commitment of a bill for reform in law to "two lawyers" was condemned, because they were a nurse that did not care for it; and the casual remark of the author of the bill has become historical. There is good law as well as sense in his saying, that a child is not put to a nurse that cares not for it. Parliamentary Law, in the creation of special committees, always seeks those who care for the business, whatever it may be. One against an inquiry, or believing that there is no occasion for it, is repudiated by this rule, so just and benign, and also so venerable with years.

The preparation of articles of impeachment against the Earl of Danby, Lord High Treasurer in the reign of Charles the Second, December 21, 1678, presented the same rule in another aspect. It was no longer a bill, but an inquiry or investigation, when the Speaker said: —

"No man, by the ancient rules of the House, is to be of a committee of a *thing* he is against." [2]

Here the language is somewhat broadened, though in entire keeping with the other cases. A man cannot be on a committee "of a *thing* he is against." In other words, if he is against the inquiry for which a committee is created, he cannot be on it. And here again good faith requires that the rule should be observed not merely in form, but in substance.

These cases were analyzed and adopted by Mr. Jeffer-

[1] Gray's Debates of the House of Commons, Vol. V. p. 145.
[2] Ibid., Vol. VI. p. 373.

son in his authoritative "Manual"; so that they have become American Parliamentary Law, as obligatory here as in England. Speaking always by their essential reason, but with the weight of precedent also, they are not less binding than if promulgated with an enacting clause.

Mr. Jefferson furnishes other and most important words of his own: —

"And when any member who is against the bill hears himself named of its committee, *he ought to ask to be excused.*" [1]

This is the language of our Manual, declaring the duty of a member who hears himself named of a committee on a bill he is against. Of course the general rule is applicable to any other matter referred to a committee. The words are, "he *ought* to ask to be excused." Of course his continuance on the committee, or any attempt to exercise its duties, is a violation of Parliamentary Law, unless you are ready to discard this positive injunction.

Mr. Jefferson then adds, by way of illustration: —

"Thus, March 7, 1606, Mr. Hadley was, on the question being put, excused from being of a committee, declaring himself to be against the matter itself." [2]

And our great authority declares that this is "a constant rule." [3]

Such is Parliamentary Law; and Mr. Jefferson has answered in advance the possible objection, that this is English and not American. After saying, in his preface

[1] Manual of Parliamentary Practice, Sec. XXVI.
[2] Ibid.
[3] Ibid.

to the "Manual," that the Senate has given to these rules "the sanction of their approbation," he announces "the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and, where these are silent, of *the rules of Parliament.*" Such, according to him, is the law of our proceedings. The "Manual" which he presents he hopes others may fill up, "*till a code of rules* shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity, and impartiality." The last word is "*impartiality,*" which, doubtless, is a main object to be secured.

Any one disposed to neglect these rules will find a warning from Mr. Jefferson. In his opening chapter he quotes these words from the famous Speaker Onslow:—

> "That these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were in many instances a shelter and *protection to the minority against the attempts of power.*"

Mr. Jefferson follows this quotation by declaring "the forms and rules of proceeding" to be "the only weapons by which the minority can defend themselves," and by which "the weaker party can be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities."

Thus is the parliamentary rule which forbids a person unfriendly to the business of the committee, whatever it may be, whether bill or inquiry, from serving on the committee, one of those inhibitions by which public business is promoted, by which impartiality is secured,

and especially by which a minority is shielded against the wantonness of power.

"The Congressional Globe" makes it easy to apply what has been said to several of this Committee. Unless the law, as illustrated by ancient cases, and adopted by Mr. Jefferson, is entirely neglected, unless the rule so frequently enunciated is set at defiance or treated as a sham, there are at least three serving on the Committee in violation of Parliamentary Law. In undertaking to serve, they were undoubtedly oblivious of the time-honored requirement, or did not appreciate its stringency.

Not only every Senator, but the whole country has an immeasurable interest in the preservation of those rules by which what Mr. Jefferson justly calls "the wantonness of power" is restrained, and minorities are protected against majorities. Any shock to them, as in the present case, becomes a precedent by which liberty and justice suffer. As a Senator appearing before this Committee at their request, I deem it my duty to file this Protest, in the sincere hope, that, whatever may be the result of the present inquiry, the open violation of Parliamentary Law in the formation and constitution of the Committee will not be permitted to become a precedent hereafter. When law is sacrificed, individuals may for a moment seem to triumph, but it is at the cost of a great safeguard for the good of all.

CHARLES SUMNER.

SENATE CHAMBER, March 26, 1872.

On motion of Mr. Carpenter, of the Committee, it was ordered that a subpœna in regular form be issued to Mr. Sumner, returnable the

next day, to be served by the Sergeant-at-Arms; which was duly issued and served.

March 27th, Mr. Sumner appeared, and, after the reading of the subpœna, proceeded to read a second Protest.

SECOND PROTEST.

SINCE reading and filing my Protest yesterday, I have received by the hands of the Sergeant-at-Arms a subpœna commanding me to appear before this Committee. In answer to this subpœna, I now appear.

It is my duty to declare that my judgment as originally set forth in my Protest is in no respect altered by this subpœna. I do not think the Committee more competent to-day than yesterday. I still find several occupying seats on the Committee in violation of an unquestionable rule of Parliamentary Law. The record shows that they signalized themselves in the Senate by open speech against the pending inquiry and those who brought it forward, or, according to the language of the old rule, "against the thing," and therefore disqualified themselves as much as a judge who has been counsel in a case, or a juror who has declared his opinion beforehand. This disqualification is not founded on argument or inference, but on peremptory rule, traced back many generations, illustrated by numerous authorities, and constituting part of what Mr. Jefferson calls the "code" for the government of the Senate, having, as he says, "the sanction of their approbation."

Besides the authorities which I cited yesterday, there are two others from our own country, which I deem it my duty to adduce. The first is that of Cushing's "Lex Parliamentaria Americana" or "The Law and Practice of Legislative Assemblies in the United States." Here we

learn how completely a committee is placed by Parliamentary Law in the hands of the mover, thus: —

"It became the established practice for the member upon whose motion a committee had been ordered, to move the names of the members to compose it, — being, of course, of his own selection: his own name being among them, and perhaps the first named on the list. If he felt any delicacy in moving his own name, the motion might be made by some friend: as on the occasion of the appointment of the committee to prepare articles of impeachment against Lord Melville, which had been ordered on the motion of Mr. Whitbread, that gentleman was first appointed one of the committee on the motion of Lord Temple, and then on the motion of Mr. Whitbread the other members of the committee (Lord Temple being one) were appointed." [1]

As this was a case of investigation, it is a precedent for us now. But our Committee was constituted in a very different manner. Mr. Cushing vindicates the practice of allowing the mover of a proposition himself to nominate the committee for the consideration of the House, saying: —

"That the House, by adopting the resolution for the committee, has signified its willingness that the subject should be so considered or investigated; that the member nominating the committee must be supposed to feel as strong an interest in the proper consideration of the subject as any one, and also to possess or to be willing to obtain the knowledge necessary to enable him to decide upon the qualifications of the members he selects." [2]

In this vindication the careful and elaborate author shows how completely the early rule is recognized. The same learned authority, while stating the English and

[1] Lex Parl. Amer., pp. 729-30. [2] Ibid., p. 732.

American Parliamentary Law, shows how the examination is conducted: —

"When an inquiry is instituted and an examination of witnesses undertaken by the House in its inquisitorial capacity, it is customary for the member on whose motion or suggestion the inquiry has been engaged in, or for some of the members voting with him for the inquiry, to take the lead in the examination of the witnesses, ... or, in other words, to examine the witnesses in chief." [1]

Plainly, according to this usage, Mr. Schurz, and not Mr. Hamlin, should take the lead and examine the witnesses in chief.

The other parliamentary authority to which I refer is Hon. R. M. T. Hunter, former Speaker of the House of Representatives. In his valedictory speech, March 3, 1841, this gentleman, who brought thought and study to the discharge of his public duties, took occasion to explain the principles governing the formation of committees, and all must admit that he did it with a clearness and philosophy not surpassed in parliamentary history. According to him, those having the affirmative of a proposition should have the direction of the committee. Speaking generally, he says: —

"The party upon which it naturally devolves to propose a question ought to have the power, it would seem, to present its proposition in the shape for which it is willing to be responsible; and as the different parties hold the affirmative according to the nature of the question, so ought the constitution of the committees to be varied."

Then, in language precisely applicable to the present case, the Speaker says: —

[1] Lex Parl. Amer., p. 383.

"In committees of investigation it is equally clear that the opposition, *who hold the affirmative*, should have the majority and the power."[1]

This instructive statement is in admirable harmony with the rule, as declared in early times, that those "against the thing" cannot go on the committee, — and that a measure, like a child, is not put to a nurse that cares not for it. The old Parliamentarians were less philosophical than the American Speaker, but each meant the same thing. The prime object is opportunity and fair play for those bringing forward a proposition, or holding the affirmative. A committee *organized to sustain the negative* is the very committee described as a nurse that cares not for the child, and therefore is a committee not tolerated by Parliamentary Law.

Thus from all quarters — beginning with the distant in time, embracing Jefferson, the father of American Parliamentary Law, Cushing, its most authoritative American expounder, and not forgetting an American Speaker — proceeds concurring testimony to the parliamentary rule requiring an inquiry to be placed in the hands of its friends; especially is it necessary that the chairman, who directs the inquiry and examines the witnesses, should be known as one of its friends.

Therefore I must be pardoned, if I renew my Protest against the competency of the present Committee. I protest against it as constituted in flagrant violation of Parliamentary Law; and I protest especially against the acting Chairman, who undertakes to direct this inquiry and to examine witnesses, as not coming within the conditions established by rule, by usage, and by reason.

[1] Congressional Globe, 26th Cong. 2d Sess., p. 231. Cushing, Lex Parl. Amer., App. XIV., p. 1009.

The record shows that he did not move the inquiry, nor did he coöperate with the mover, or take any part in sustaining him, while in open speech he showed himself "against the thing." I object to the acting Chairman as to a judge or juror disqualified to sit in a court.

I make this second Protest with infinite reluctance. But the Committee leave me no alternative. In their invitation, in the nature of a summons, and now in their subpœna, they compel me to declare my objection to their competency. Seeing it as clearly as I do, and feeling it as strongly as I do, I cannot avoid expressing it. If I do so twice, it is because the Committee have laid me twice under this obligation. Beyond that sentiment of duty which is with me a rule of life, I am encouraged to this effort by the hope that, even if the present Committee cannot be corrected in conformity with Parliamentary Law, its incompetency is so clearly exposed that it will be powerless hereafter as a precedent. If obliged to witness the present dishonor of a time-honored rule, I would at least save this safeguard for the future.

In thus declaring my profound sense of the wrong that has been attempted, I do all in my power to maintain Parliamentary Law inviolate. I regret that I cannot do more.

With this explanation, and yielding to the command of the Committee, I offer myself for examination on matters proper for inquiry; but I do it under protest.

CHARLES SUMNER.

SENATE CHAMBER, 27th March, 1872.

Mr. Carpenter moved that the two Protests be returned to Mr. Sumner, as disrespectful to the Committee. On a subsequent day the motion was withdrawn.

BOOKS ON THE FREE LIST.

Remarks in the Senate on moving an Amendment to a Tariff Bill, March 27, 1872.

On the question of concurrence in an amendment made in Committee of the Whole relative to the free list, Mr. Sumner said : —

I MOVE to amend that amendment by adding after the provision as to books, as arranged alphabetically in the free list, —

Books in the ancient and foreign languages.

I have letters very often from learned professors in different parts of the country, complaining of the cost of books that they are constrained to purchase in order to carry on their studies and to enable them to teach. This is the case with Greek professors, professors in all the languages, ancient and modern. It is also the case with men of science, who desire works in the Continental languages; they complain bitterly of the expense to which they are put.

Now, if I can have the attention of the Senate one moment, I will endeavor to show that these works cannot come in competition with any books here at home. Certainly they cannot with regard to any considerable interest. I think, if these could be put on the free list, an essential service would be done; the revenue would

lose very little, and no considerable interest in our country would suffer. I hope, therefore, there can be no question but that the Senate will allow this to be adopted.

Mr. Morrill [of Vermont]. I trust this amendment will not be adopted. It is evidently an old acquaintance of the Senate. I think the Senator from Massachusetts has always moved it whenever he has had an opportunity.

To the argument advanced by Mr. Morrill in support of this objection, — namely, "that the school-books of America should be American in character, and printed and published by American publishers," — Mr. Sumner replied : —

Mr. President,— The argument of my friend is against English books, and not books in ancient or foreign languages. At any rate, the chief point of his argument was addressed to works in the English language. He called our attention, for instance, to Smith's "Dictionary of the Bible," an English work; and he knows well, that, as it is a recent work, it is not on our free list, and the amendment which I move does not touch it. My amendment concerns books in the ancient languages, and in foreign languages, that is, in the languages of modern Europe; and the single point of the Senator is school-books. Now I ask whether we should not do all we can to make the school-books as cheap as possible? Will the Senator put a protective duty on school-books? — make the child with "shining morning face" as he goes to school pay a duty? I would have the school-books as cheap as possible. But then how few are the school-books that would come in under this provision?

My amendment reaches the large amount of works concerning science and literature and jurisprudence in ancient and in foreign languages; and why should these be subjected to a duty? Why should those scholars,

those enlightened professional men who import these books, be subjected to this additional expense? Sir, I honor the man, whether of scholarship, of science, or of a profession, who imports these works of learning. He is a benefactor to his country. Every such work becomes a fountain in the neighborhood: but I would not put a duty on that fountain; I would unseal it; I would open it, and let it flow as amply as possible.

Mr. Morrill [of Maine]. I should like to ask the Senator from Massachusetts whether there are any books in foreign languages that are not published in this country. Are not all the books in the ancient languages published in this country?

Mr. Sumner. I beg to call the Senator's attention to the boundless annual literature of Germany, where the volumes are counted by the thousand, — to the extensive literature of France, where the volumes are counted by the thousand, — to the less ample literature of Spain and Italy, with numerous publications, all of which, if imported, pay a duty. Now I wish to encourage that importation.

Mr. Morrill. I understood the Senator's argument to be in favor of ancient books.

Mr. Sumner. It is also, certainly.

Mr. Morrill. My inquiry is, whether those books are not all republished in this country.

Mr. Sumner. Not at all. For instance, take most of the considerable works of scholarship in German, annually produced, bearing on the classics; they are not republished in our country, but our professors import them at cost. Then take another class of works, on science, in the German language, in the French language, — I

would say also in the Italian language, for there are some excellent contributions to science as well as to literature in the Italian language, — those, if imported, pay a duty; but they do not come into competition with anything printed here. Why, then, should they pay a duty? Why not encourage their importation? Why not help the man of science, or the learned professor, who aspires to enlarge his library in this way? I have said that I regard such a person as a benefactor. I wish to give him my thanks, and my help, if I can. The best help I can give him is to try to save him from this additional tax.

Mr. Sumner's Amendment was rejected,—Yeas 12, Nays not counted.

THE NASBY LETTERS.

INTRODUCTION TO THE COLLECTION,[1] APRIL 1, 1872.

BEYOND the interest in these letters as another instance of a peculiar literature, — illustrated by Major Jack Downing, Sam Slick, and the genius of Hosea Biglow, — they have an historic character from the part they performed in the war with Slavery, and in advancing Reconstruction. Appearing with a certain regularity and enjoying an extensive circulation, they became a constant and welcome ally. Unquestionably they were among the influences and agencies by which disloyalty in all its forms was exposed, and public opinion assured on the right side. It is impossible to measure their value. Against the devices of Slavery and its supporters, each letter was like a speech, or one of those songs which stir the people. Therefore they belong to the political history of this critical period.

Of publications during the war, none had such charm for Abraham Lincoln. He read every letter as it appeared, and kept them all within reach for refreshment. This strong liking illustrates his character, and will

[1] Entitled, "The Struggles (Social, Financial, and Political) of Petroleum V. Nasby," — DAVID ROSS LOCKE, editor of the Toledo [Ohio] Blade, where most of these Letters, one hundred and eighty-eight in number, first appeared, during the period from March 21, 1861, to May 12, 1870.

always awaken an interest in the letters. An incident in my own relations with him shows how easily he turned from care to humor.

I had occasion to see President Lincoln very late in the evening of March 17th, 1865. The interview was in the familiar room known as his office, and also used for cabinet meetings. I did not take leave of him until some time after midnight, and then the business was not entirely finished. As I rose, he said, "Come to me when I open shop in the morning; I will have the order written, and you shall see it." "When do you open shop?" said I. "At nine o'clock," he replied. At the hour named I was in the same room that I had so recently left. Very soon the President entered, stepping quickly with the promised order in his hands, which he at once read to me. It was to disapprove and annul the judgment and sentence of a court-martial in a case that had excited much feeling. While I was making an abstract of the order for communication by telegraph to the anxious parties, he broke into quotation from Nasby. Finding me less at home than himself with his favorite humorist, he said pleasantly, "I must initiate you," and then repeated with enthusiasm the message he had sent to the author: "For the genius to write these things I would gladly give up my office."

Rising from his seat, he opened a desk behind, and, taking from it a pamphlet collection of the letters already published, proceeded to read from it with infinite zest, while his melancholy features grew bright. It was a delight to see him surrender so completely to the fascination. Finding that I listened, he read for more than twenty minutes, and was still proceeding, when it occurred to me that there must be many at the door

waiting to see him on graver matters. Taking advantage of a pause, I rose, and, thanking him for the lesson of the morning, went away. Some thirty persons, including Senators and Representatives, were in the antechamber as I passed out.

Though with the President much during the intervening time before his death, this was the last business I transacted with him. A few days later he left Washington for City Point, on the James River, where he was at the surrender of Richmond. April 6th I joined him there. April 9th the party returned to Washington. On the evening of April 14th the bullet of an assassin took his life.

In this simple story Abraham Lincoln introduces Nasby.

CHARLES SUMNER.

WASHINGTON, April 1st, 1872.

ADVICE TO THE COLORED PEOPLE.

Letter to the National Convention of Colored People at New Orleans, April 7, 1872.

Washington, April 7, 1872.

MY DEAR SIR, — In reply to your inquiry, I make haste to say, that, in my judgment, the Colored Convention should think more of principles than of men, — except so far as men stand for principles. Above all, let them insist on the rights of their own much-abused and insulted people.

It is absurd for anybody to say that he "accepts the situation," and then deny the equal rights of the colored man. If the "situation" is accepted in good faith, it must be entirely, — including not merely the abolition of Slavery and the establishment of equal suffrage, but also all those other rights which are still denied or abridged. There must be complete equality before the law, so that in all institutions, agencies, or conveniences, created or regulated by law, there can be no discrimination on account of color, but a black man shall be treated as a white man.

In maintaining their rights, it will be proper for the Convention to invoke the Declaration of Independence, so that its principles and promises shall become a living

reality, never to be questioned in any way, but recognized always as a guide of conduct and a governing rule in the interpretation of the National Constitution, being in the nature of a Bill of Rights preceding the Constitution.

It is not enough to "proclaim liberty throughout all the land unto all the inhabitants thereof." Equality must be proclaimed also; and since both are promised by the great Declaration, which is a national act, and as from their nature they should be uniform throughout the country, both must be placed under the safeguard of national law. There can be but one liberty and one equality, the same in Boston and New Orleans, the same everywhere throughout the country.

The colored people are not ungenerous, and therefore will incline to any measures of good-will and reconciliation; but I trust no excess of benevolence will make them consent to any postponement of those equal rights which are still refused. The disabilities of colored people, loyal and long-suffering, should be removed before the disabilities of former Rebels; or at least the two removals should go hand in hand.

It only remains that I should say, "Stand firm!" The politicians will then know that you are in earnest, and will no longer be trifled with. Victory will follow soon, and the good cause be secure forever.

Meanwhile accept my best wishes for the Convention, and believe me, dear Professor,

Faithfully yours,

CHARLES SUMNER.

To PROFESSOR JOHN M. LANGSTON,
WASHINGTON.

DIPLOMATIC AGENTS OF THE UNITED STATES NOT TO ACCEPT GIFTS FROM FOREIGN POWERS.

Remarks in the Senate, May 2, 1872.

Mr. Cameron, having moved to take up a joint resolution reported by him from the Committee on Foreign Relations, "permitting certain diplomatic and consular officers of the United States in France to accept testimonials from the Emperor of Germany for their friendly services toward the subjects of the Emperor during the war between France and Germany," — Mr. Sumner promptly protested: —

I MUST object to it with my whole soul. I consider it a most vicious proposition, utterly untenable. The Constitution of the United States says: —

"No person holding any office of profit or trust under them [the United States] shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State."

Not even from the German Empire. Congress has followed one rule from the beginning, I believe, — never to allow its diplomatic agents to receive anything from a foreign power. It has allowed its naval officers, who have rendered some humane service at sea to the subjects of a foreign power, to receive some reward or recognition, some honor, some compliment; but it has

never allowed any person in its diplomatic service to receive any such reward, honor, or compliment. I think the Senate will see that this rule proceeds on a ground from which we cannot depart. It is, that our representatives abroad must be kept always above all suspicion of acting under foreign influence, or the temptation of foreign reward. Nor should we, Sir, be gratified, I think, to see these representatives abroad wearing at their button-holes the insignia of any foreign power.

I hope, Sir, the Senate will not take up this matter again. It ought to be allowed to drop out of sight.

The matter was dropped.

PRESERVATION OF THE PARK AT WASHINGTON.

Remarks in the Senate, May 15, 1872.

The Senate having under consideration a bill from the House confirming a grant by the City Council of Washington of a site for a railway dépôt in the public park, Mr. Sumner said: —

MR. PRESIDENT, — To my mind this bill is injudicious; and in saying this I give an opinion reached after the most careful consideration of it in the Committee. I think it ought not to be adopted by the Senate. I say this with reluctance, for I sympathize keenly with every improvement and with every facility afforded to this growing and beautiful metropolis; and may I say, also, I feel a personal sympathy with the distinguished citizen of Pennsylvania particularly interested in this measure? And yet, approaching its consideration with those biases in its favor, I am bound to conclude against it.

Sir, I do not think that this privilege ought to be granted, and my reason is precise and specific. It proposes to take a considerable section of land, which, if you look on the map, you will see properly belongs to the Park of Washington. I am unwilling, at this early period in the history of this metropolis, to begin by cut-

ting out a slice from this inclosure set apart for the future. If you do it now, where are you to stop? Will you not be called to cut out another slice next year, or in five years, — and may not the Park be reduced from that form and those proportions it promises to enjoy? This metropolis is now at its beginning, and yet doubling in a decade. During the last ten years its population has multiplied twofold; and in the coming ten years there is every reason to believe that the development will be as large, if not larger. Of course with the increase of population is the demand for a park, especially in the central situation which that enjoys. I use the language of another, when I say that parks are the lungs of a great city; but where will be the lungs of this metropolis, if you begin now to reduce the Park? Rather should we sacredly keep it all intact, so that hereafter, when you and I, Sir, have passed away, and this metropolis has grown to a grandeur and beauty which imagination cannot now conceive, that Park may remain in its entirety, a blessing to the people, for which they themselves in turn will bless us.

Sir, I was born in a city which has the enjoyment of such a blessing. There is in Boston what is known as The Common, set apart in the very earliest days of the old town, when it was in fact what the name implies, — a common for the pasturage of cattle; but, though often assailed, it has been preserved untouched. Railroad corporations and other companies have tried in vain to obtain a corner from it. The jealous city fathers have saved that beautiful piece of earth, till now it is the first treasure of Boston, — unless we except her common schools, where all are equal before the law. I have often thought what would have ensued if some time ago, yield-

ing to corporation pressure in its various forms, the city had consented to sacrifice that beautiful inclosure. There it is, the very apple of the eye to Boston; and nobody now fears that it will be diminished by a foot.

And should not Washington have a similar possession? Are you willing, Sir, now at this early moment of her history, when she is just beginning to grow, or rather when her growth is just beginning to be apparent, to despoil her of this unquestionable attraction, where the useful and the beautiful commingle? I think, Sir, you will act improvidently, if you do so. I think you will act against the best interests of the city, whether you look at health, beauty, or enjoyment; for a park ministers to all these.

Therefore, Sir, would I keep it intact. By no consent of Congress would I allow any business interest or disturbing railroad company to fasten itself upon this inclosure. They should be excluded; and when I say this, I would not carry them off far. Let them plant their stations just the other side. They will then be perhaps a third of a mile from Pennsylvania Avenue, traversing the centre of population with conveniences such as railroads in no other city enjoy. With those open to them, why should we allow them to enter our pleasure-grounds? If there were no proper place without going a long distance, a mile or two miles, there would be some reason, perhaps, for entertaining this question; but when I consider the facilities which they may enjoy only the other side of the Park line, with land there cheap and easy to be had, I am astonished that any one can be willing to sacrifice the Park simply to bring them a few rods nearer Pennsylvania Avenue.

And this brings me to the question of travel on the

Avenue. If you put a railway station as is proposed, you will bring on the Avenue all that glut and accumulation of carriages and wagons always concentrated about the terminus of a great line of travel. I think it will be injurious to the Avenue. That alone would be a reason with me against the bill.

But as often as I think of the question, I come back to the Park, which, say what you will, is destined to be one of the most important possessions of this metropolis, and for the special enjoyment of the people. They will enjoy this Capitol, for it is beautiful to behold, — also the other public edifices, some of them excellent in style and grateful to the eye; but nothing of all these will be what we may expect that Park to be, — a place where the young and old will resort of an evening to enjoy innocent recreation and congenial society, while the open air or the opportunities of exercise impart to them that best blessing, health. Sir, that Park should not be sacrificed; and if you have any doubt, let me lay before you the testimony of another place. I have already cited Boston; I now call your attention to Philadelphia. You know the remarkable park which has been opened there. I stopped a day in Philadelphia last summer, on my way home, especially to see and enjoy this magnificent resort; and I was well rewarded. I beheld the most beautiful park, certainly in its promise, on this continent; and I doubt if there is one even in the European world of equal promise. But no one can enter its grounds without annoyance and trouble from the railroad-crossings, and the perpetual sound of the steam-engine with its shrill whistle, so little in harmony with pleasure-grounds.

It requires no scientific knowledge, no practical ac-

quaintance with railroads, to see that those crossings are a positive nuisance, and that the hospitable park set apart for the population of a mighty city, and destined to be one of the most beautiful objects of the civilized world, actually suffers from the nuisance. I appeal to Senators who have visited it; I know that there is not one who will say that I am not right. There is not one who has ever entered those grounds, not even the Senator from Pennsylvania who pioneers this bill, that will not say he regrets those railroad-crossings and wishes them out of the way. But I shall not rely upon the authority of the Senator or my own testimony. I have in my hand the last annual report of the Commissioners, and I wish the Senate to hear what they say: —

"At an early period of their organization the Commissioners addressed themselves to the solution of the very difficult problem of how to attain the best approaches to the Park, and they have not at any time ceased to give that matter their earnest attention. If a former generation could have foreseen" —

Now see, Senators, how this applies to the present case, —

"If a former generation could have foreseen that the liberal views which far-sighted men among them held on the subject of a park which should embrace both banks of the Schuylkill would finally ripen into a fruition beyond what the most sanguine could then have dreamed, the great railways which now run in close proximity to that stream would have reached the city by other routes, or at least would have been carried on tracks more remote from the river. At that day this could readily have been done without conflicting with any interest; but now that the conditions have been long established, and trade and travel settled in conformity

to them, any violent change must be regarded as out of the question." [1]

The Commissioners then make certain recommendations, which I will not take up time to read. But I come to a brief passage: —

"The Commissioners, therefore, respectfully but strenuously urge that steps shall be immediately taken to promote this most desirable end. And they do this not alone in the interest of the thousands whose vehicles are entangled at the railroad-crossing, but much more in the interest of the hundreds of thousands whose principal enjoyment of the Park has been and will be in that portion of it which is most exposed to these dangerous annoyances." [2]

That is testimony. If this were a court of justice instead of the Senate, and if you, Sir, were a court and the Senators now before me were a jury, that would be a testimony conclusive in the case, — testimony of experts, who know by experience what they testify, who have seen with their own eyes and felt in their own consciousness, whenever they entered that park, the nuisance against which I now protest. Sir, they testify against the present bill. Can you answer the testimony? Is it not clear? Is it not complete?

Sir, I need no testimony. I only ask Senators to look at the Park. Let them pass through our Library and take their stand on that unequalled portico from which they may look down upon an amphitheatre more like that of ancient Rome than that of any other capital, with a river beneath and hills in the distance, — a river

[1] Fourth Annual Report of the Commissioners of Fairmount Park, pp. 15–16.

[2] Ibid., p. 17.

much larger than the ancient Tiber, and hills much more beautiful than those that stand about Rome, — and a Capitol, too, but how much more beautiful than that which once gave the law to mankind! Stand on that portico, Sir, and survey the amphitheatre; your eye will then rest with satisfaction on the outline of this very Park, stretching from the Capitol beyond the Executive Mansion, and destined to be a breathing-place for the immense population of future generations. Stand on that portico and try to imagine what this Park may be.

And now it is proposed not only to diminish that breathing-place, but to disturb it by the smoke of steam-engines, and to confuse it by the perpetual din of locomotives. I hope no such thing will be done. There is a place for all things; and this I know, the place for a railway-station is not a public park.

HOURS OF LABOR.

LETTER TO THE CONVENTION OF THE MASSACHUSETTS LABOR UNION IN BOSTON, MAY 25, 1872.

SENATE CHAMBER, May 25, 1872.

GENTLEMEN, — I cannot take part in your public meeting, but I declare my sympathy with the working-men in their aspirations for greater equality of condition and increased opportunities. I therefore insist that the experiment of an eight-hour law in the national workshops shall be fairly tried, so that, if successful, it may be extended.

Here let me confess that I find this law especially valuable, because it promises more time for education and general improvement. If the experiment is successful in this respect, I shall be less curious on the question of pecuniary profit and loss; for to my mind the education of the human family is above dollars and dividends.

Meanwhile accept my best wishes, and believe me

Faithfully yours,

CHARLES SUMNER.

TO THE COMMITTEE.

ARBITRATION AS A SUBSTITUTE FOR WAR.

Resolutions in the Senate, May 31, 1872, concerning Arbitration as a Substitute for War in determining Differences between Nations.

WHEREAS by International Law and existing custom War is recognized as a form of Trial for the determination of differences between nations; and

Whereas for generations good men have protested against the irrational character of this arbitrament, where force instead of justice prevails, and have anxiously sought for a substitute in the nature of a judicial tribunal, all of which was expressed by Franklin in his exclamation, "When will mankind be convinced that all wars are follies, very expensive and very mischievous, and agree to settle their differences by Arbitration?"[1] and

Whereas war once prevailed in the determination of differences between individuals, between cities, between counties, and between provinces, being recognized in all these cases as the arbiter of justice, but at last yielded to a judicial tribunal, and now, in the progress of civilization, the time has come for the extension of this humane principle to nations, so that their differences may be taken from the arbitrament of war, and, in conform-

[1] Works, ed. Sparks, Vol. IX. p. 476.

ity with these examples, submitted to a judicial tribunal; and

Whereas Arbitration has been formally recognized as a substitute for war in the determination of differences between nations, being especially recommended by the Congress of Paris, where were assembled the representatives of England, France, Russia, Prussia, Austria, Sardinia, and Turkey, and afterward adopted by the United States in formal treaty with Great Britain for the determination of differences arising from depredations of British cruisers, and also from opposing claims with regard to the San Juan boundary; and

Whereas it becomes important to consider and settle the true character of this beneficent tribunal, thus commended and adopted, so that its authority and completeness as a substitute for war may not be impaired, but strengthened and upheld, to the end that civilization may be advanced and war be limited in its sphere: Therefore,

1. *Resolved*, That in the determination of international differences Arbitration should become a substitute for war in reality as in name, and therefore coëxtensive with war in jurisdiction, so that any question or grievance which might be the occasion of war or of misunderstanding between nations should be considered by this tribunal.

2. *Resolved*, That any withdrawal from a treaty recognizing Arbitration, or any refusal to abide the judgment of the accepted tribunal, or any interposition of technicalities to limit the proceedings, is to this extent a disparagement of the tribunal as a substitute for war, and therefore hostile to civilization.

3. *Resolved*, That the United States, having at heart

the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of Arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

REPUBLICANISM VS. GRANTISM.

THE PRESIDENCY A TRUST, NOT A PLAYTHING AND PERQUISITE. — PERSONAL GOVERNMENT AND PRESIDENTIAL PRETENSIONS. — REFORM AND PURITY IN GOVERNMENT.

SPEECH IN THE SENATE, MAY 31, 1872.

Socrates. Then whom do you call the good?

Alcibiades. I mean by the good those who are able to rule in the city.

Socrates. Not, surely, over horses?

Alcibiades. Certainly not.

Socrates. But over men?

Alcibiades. Yes.

PLATO, *Dialogues: First Alcibiades.*
Tr. Jowett, Vol. IV. p. 545.

AMONGST the foremost purposes ought to be the downfall of this odious, insulting, degrading, aide-de-campish, incapable dictatorship. At such a crisis, is this country to be left at the mercy of barrack councils and mess-room politics? — *Letter of Lord Durham to Henry Brougham, August,* 1830 : *Life and Times of Henry Lord Brougham,* Vol. III. p. 44.

It is a maxim in politics, which we readily admit as undisputed and universal, that a power, however great, when granted by law to an eminent magistrate, is not so dangerous to Liberty as an authority, however inconsiderable, which he acquires from violence and usurpation.

Hume, *Essays*, Part II. : Essay X., *Of Some Remarkable Customs.*

SPEECH.

THE Sundry Civil Appropriation Bill coming up as unfinished business, Mr. Sumner moved to postpone indefinitely its consideration, and after remarking on the Report of the Committee on the Sale of Arms to French Agents, he said: —

MR. PRESIDENT, — I have no hesitation in declaring myself a member of the Republican Party, and one of the straitest of the sect. I doubt if any Senator can point to earlier or more constant service in its behalf. I began at the beginning, and from that early day have never failed to sustain its candidates and to advance its principles. For these I have labored always by speech and vote, in the Senate and elsewhere, — at first with few only, but at last, as success began to dawn, then with multitudes flocking forward. In this cause I never asked who were my associates or how many they would number. In the consciousness of right I was willing to be alone. To such a party, with which so much of my life is intertwined, I have no common attachment. Not without regret can I see it suffer; not without a pang can I see it changed from its original character, for such a change is death. Therefore do I ask, with no common feeling, that the peril which menaces it may pass away. I stood by its cradle; let me not follow its hearse.

ORIGIN AND OBJECT OF THE REPUBLICAN PARTY.

TURNING back to its birth, I recall a speech of my own at a State Convention in Massachusetts, as early as September 7, 1854, where I vindicated its principles and announced its name in these words: "As *Republicans* we go forth to encounter the *Oligarchs* of Slavery."[1] The report records the applause with which this name was received by the excited multitude. Years of conflict ensued, in which the good cause constantly gained. At last, in the spring of 1860, Abraham Lincoln was nominated by this party as its candidate for the Presidency; and here pardon me, if I refer again to myself. On my way home from the Senate I was detained in New York by the invitation of party friends to speak at the Cooper Institute on the issues of the pending election. The speech was made July 11, and, I believe, was the earliest of the campaign. As published at the time, it was entitled "Origin, Necessity, and Permanence of the Republican Party," and to exhibit these was its precise object. Both the necessity and permanence of the party were asserted. A brief passage, which I take from the report in the "New York Herald," will show the duty and destiny I ventured then to hold up. After dwelling on the evils of Slavery and the corruptions it had engendered, including the purchase of votes at the polls, I proceeded as follows:—

"Therefore, just so long as the present false theories of Slavery prevail, whether concerning its character morally, economically, and socially, or concerning its prerogatives under the Constitution, just so long as the Slave Oligarchy, which is the

[1] Duties of Massachusetts at the Present Crisis: Formation of the Republican Party. *Ante*, Vol. IV. p. 267.

sleepless and unhesitating agent of Slavery in all its pretensions, continues to exist as a political power, the Republican Party must endure. [*Applause.*] If bad men conspire for Slavery, good men must combine for Freedom. ['*Good! good!*'] Nor can the Holy War be ended until the barbarism now dominant in the Republic is overthrown, and the Pagan power is driven from our Jerusalem. [*Applause.*] And when this triumph is won, securing the immediate object of our organization, the Republican Party will not die, but, purified by its long contest with Slavery and filled with higher life, it will be lifted to yet other efforts and with nobler aims for the good of man. [*Applause, with three cheers for Lincoln.*]"[1]

Such, on the eve of the Presidential election, was my description of the Republican Party and my aspiration for its future. It was not to die, but, "purified by its long contest with Slavery and filled with higher life," we were to behold it "lifted to yet other efforts and with nobler aims for the good of man." Here was nothing personal, nothing mean or petty. The Republican Party was necessary and permanent, and always on an ascending plane. For such a party there was no death, but higher life and nobler aims; and this was the party to which I gave my vows. But, alas, how changed! Once country was the object, and not a man; once principle was inscribed on the victorious banners, and not a name only.

THE REPUBLICAN PARTY SEIZED BY THE PRESIDENT.

It is not difficult to indicate when this disastrous change, exalting the will of one man above all else, became not merely manifest, but painfully conspicuous. Already it had begun to show itself in personal preten-

[1] For the text of this passage see *ante*, Vol. VI. pp. 336–7.

sions, to which I shall refer soon, when, suddenly and without any warning through the public press or any expression from public opinion, the President elected by the Republican Party precipitated upon the country an ill-considered and ill-omened scheme for the annexion of a portion of the island of San Domingo, in pursuance of a treaty negotiated by a person of his own household styling himself "Aide-de-Camp to the President of the United States." Had this effort, however injudicious in object, been confined to ordinary and constitutional proceedings, with proper regard for a coördinate branch of the Government, it would have soon dropped out of sight and been remembered only as a blunder. But it was not so. Strangely and unaccountably, it was pressed for months by every means and appliance of power, whether at home or abroad, now reaching into the Senate Chamber, and now into the waters about the island. Reluctant Senators were subdued to its support, while, treading under foot the Constitution in one of its most distinctive republican principles, the President seized the war powers of the nation, instituted foreign intervention, and capped the climax of usurpation by menace of violence to the Black Republic of Hayti, where the colored race have begun the experiment of self-government, — thus adding manifest outrage of International Law to manifest outrage of the Constitution, while the long-suffering African was condemned to new indignity. All these things, so utterly indefensible and aggravating, and therefore to be promptly disowned, found defenders on this floor. The President who was the original author of the wrongs continued to maintain them, and appealed to Republican Senators for help, — thus fulfilling the eccentric stipulation with the Government of Baez executed by his Aide-de-Camp.

At last a Republican Senator, who felt it his duty to exhibit these plain violations of the Constitution and of International Law, and then in obedience to the irresistible promptings of his nature and in harmony with his whole life pleaded for the equal rights of the Black Republic, who declared that he did this as a Republican and to save the party from this wretched complicity, — this Republican Senator, engaged in a patriotic service, and anxious to save the colored people from outrage, was denounced on this floor as a traitor to the party; and this was done by a Senator speaking for the party, and known to be in intimate relations with the President guilty of these wrongs. Evidently the party was in process of change from that generous association dedicated to Human Rights and to the guardianship of the African race. Too plainly it was becoming the instrument of *one man and his personal will*, — no matter how much he set at defiance the Constitution and International Law, or how much he insulted the colored people. The President was to be maintained at all hazards, notwithstanding his aberrations, and all who called them in question were to be struck down.

In exhibiting this autocratic pretension, so revolutionary and unrepublican in character, I mean to be moderate in language and to keep within the strictest bounds. The facts are indisputable, and nobody can deny the gross violation of the Constitution and of International Law with insult to the Black Republic, — the whole case being more reprehensible, as also plainly more unconstitutional and more illegal, than anything alleged against Andrew Johnson on his impeachment. Believe me, Sir, I should gladly leave this matter to the judgment already recorded, if it were not put in issue again

by the extraordinary efforts, radiating on every line of office, to press its author for a second term as President; and since silence gives consent, all these efforts are his efforts. They become more noteworthy when it is considered that the name of the candidate thus pressed has become a sign of discord and not of concord, dividing instead of uniting the Republican Party, so that these extraordinary efforts tend directly to the disruption of the party, — all of which he witnesses, and again by his silence ratifies. "Let the party split," says the President, "I will not renounce my chance of a second term." The extent of this personal pressure and the subordination of the party to the will of an individual compel us to consider his pretensions. These, too, are in issue.

PRESIDENTIAL PRETENSIONS.

"Upon what meat doth this our Cæsar feed," that he should assume so much? No honor for victory in war can justify disobedience to the Constitution and to Law; nor can it afford the least apology for any personal immunity, privilege, or license in the Presidential office. A President must turn into a King before it can be said of him that he can do no wrong. He is responsible always. As President he is foremost servant of the Law, bound to obey its slightest mandate. As the elect of the people he owes not only the example of willing obedience, but also of fidelity and industry in the discharge of his exalted office, with an absolute abnegation of all self-seeking. Nothing for self, but all for country. And now, as we regard the career of this candidate, we find to our amazement how little it accords with this simple requirement. Bring it to the touchstone and it fails.

Not only are Constitution and Law disregarded, but the Presidential office itself is treated as little more than a plaything and a perquisite, — when not the former, then the latter. Here the details are ample, showing how from the beginning this august trust has dropped to be a personal indulgence, where palace-cars, fast horses, and seaside loiterings figure more than duties; how personal aims and objects have been more prominent than the public interest; how the Presidential office has been used to advance his own family on a scale of nepotism dwarfing everything of the kind in our history, and hardly equalled in the corrupt governments where this abuse has most prevailed; how in the same spirit office has been conferred upon those from whom he had received gifts or benefits, thus making the country repay his personal obligations; how personal devotion to himself, rather than public or party service, has been made the standard of favor; how the vast appointing power conferred by the Constitution for the general welfare has been employed at his will to promote his schemes, to reward his friends, to punish his opponents, and to advance his election to a second term; how all these assumptions have matured in a *personal government*, semi-military in character and breathing the military spirit, — being a species of Cæsarism or *personalism*, abhorrent to republican institutions, where subservience to the President is the supreme law; how in maintaining this subservience he has operated by a system of combinations, military, political, and even senatorial, having their orbits about him, so that, like the planet Saturn, he is surrounded by rings, — nor does the similitude end here, for his rings, like those of the planet, are held in position by satellites; how this utterly unrepublican Cæsarism

has mastered the Republican Party and dictated the Presidential will, stalking into the Senate Chamber itself, while a vindictive spirit visits good Republicans who cannot submit; how the President himself, unconscious that a President has no right to quarrel with anybody, insists upon quarrelling until he has become the great Presidential quarreller, with more quarrels than all other Presidents together, all begun and continued by himself; how his personal followers back him in quarrels, insult those he insults, and then, not departing from his spirit, cry out, with Shakespeare, "We will have *rings* and things and fine array"; and, finally, how the chosen head of the Republic is known chiefly for Presidential pretensions, utterly indefensible in character, derogatory to the country, and of evil influence, making personal objects a primary pursuit, so that, instead of a beneficent presence, he is a bad example, through whom republican institutions suffer and the people learn to do wrong.

Would that these things could be forgotten! but since through officious friends the President insists upon a second term, they must be considered and publicly discussed. When understood, nobody will vindicate them. It is easy to see that Cæsarism even in Europe is at a discount, that "personal government" has been beaten on that ancient field, and that "Cæsar with a Senate at his heels" is not the fit model for our Republic. King George the Third of England, so peculiar for narrowness and obstinacy, had retainers in Parliament who went under the name of "The King's Friends." Nothing can be allowed here to justify the inquiry, "Have we a King George among us?" — or that other question, "Have we a party in the Senate of 'The King's Friends'?"

PERSONAL GOVERNMENT UNREPUBLICAN.

PERSONAL Government is autocratic. It is the One-Man Power elevated above all else, and is therefore in direct conflict with republican government, whose consummate form is tripartite, being executive, legislative, and judicial, — each independent and coëqual. From Mr. Madison, in "The Federalist," we learn that the accumulation of these powers "in the same hands" may justly be pronounced "the very definition of Tyranny."[1] And so any attempt by either to exercise the powers of another is a tyrannical invasion, always reprehensible in proportion to its extent. John Adams tells us, in most instructive words, that "it is by balancing each of these powers against the other two that the efforts in human nature towards tyranny can alone be checked and restrained, and any degree of freedom preserved in the Constitution."[2]

Then, again, the same authority says that the perfection of this great idea is "by giving each division a power to defend itself by a negative."[3] In other words, each is armed against invasion by the others. Accordingly, the Constitution of Virginia, in 1776, famous as an historical precedent, declared expressly: "The legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other; nor shall any person exercise the powers of more than one of them at the same time."[4]

[1] The Federalist, No. XLVII.

[2] Letter to Richard Henry Lee, November 15, 1775: Works, Vol. IV. p. 186.

[3] Defence of the Constitutions of Government of the United States, — Preface: Ibid., p. 296.

[4] Statutes at Large, ed. Hening, Vol. IX. p. 114.

The Constitution of Massachusetts, dating from 1780, embodied the same principle in memorable words: "In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men." [1]

A government of laws and not of men is the object of republican government; nay, more, it is the distinctive essence without which it becomes a tyranny. Therefore personal government in all its forms, and especially when it seeks to sway the action of any other branch or overturn its constitutional negative, is hostile to the first principles of republican institutions, and an unquestionable outrage. That our President has offended in this way is unhappily too apparent.

THE PRESIDENT AS A CIVILIAN.

To comprehend the personal government that has been installed over us we must know its author. His picture is the necessary frontispiece, — not as soldier, let it be borne in mind, but as civilian. The President is titular head of the Army and Navy of the United States, but his office is not military or naval. As if to exclude all question, he is classed by the Constitution among "civil officers." Therefore as civilian is he to be seen. Then, perhaps, may we learn the secret of the policy so adverse to republicanism in which he perseveres.

[1] Constitution of Massachusetts, Part I.: Declaration of Rights, Art. XXX.

To appreciate his peculiar character as a civilian it is important to know his triumphs as a soldier, for the one is the natural complement of the other. The successful soldier is rarely changed to the successful civilian. There seems an incompatibility between the two, modified by the extent to which one has been allowed to exclude the other. One always a soldier cannot late in life become a statesman; one always a civilian cannot late in life become a soldier. Education and experience are needed for each. Washington and Jackson were civilians as well as soldiers.

In the large training and experience of Antiquity the soldier and civilian were often united; but in modern times this has been seldom. The camp is peculiar in the influence it exercises; it is in itself an education; but it is not the education of the statesman. To suppose that we can change without preparation from the soldier to the statesman is to assume that training and experience are of less consequence for the one than the other, — that a man may be born a statesman, but can fit himself as a soldier only by four years at West Point, careful scientific study, the command of troops, and experience in the tented field. And is nothing required for the statesman? Is his duty so slight? His study is the nation and its welfare, turning always to history for example, to law for authority, and to the loftiest truth for rules of conduct. No knowledge, care, or virtue, disciplined by habit, can be too great. The pilot is not accepted in his trust until he knows the signs of the storm, the secrets of navigation, the rocks of the coast, — all of which are learned only by careful study with charts and soundings, by coasting the land and watching the crested wave. But can less be expected of that other pilot who is to steer the ship which contains us all?

The failure of the modern soldier as statesman is exhibited by Mr. Buckle in his remarkable work on the "History of Civilization." Writing as a philosopher devoted to liberal ideas, he does not disguise that in Antiquity "the most eminent soldiers were likewise the most eminent politicians"; but he plainly shows the reason when he adds, that "in the midst of the hurry and turmoil of camps these eminent men cultivated their minds to the highest point that the knowledge of that age would allow."[1] The secret was culture not confined to war. In modern Europe few soldiers have been more conspicuous than Gustavus Adolphus and Frederick sometimes called the Great; but we learn from our author that both "failed ignominiously in their domestic policy, and showed themselves as short-sighted in the arts of peace as they were sagacious in the arts of war."[2] The judgment of Marlborough is more pointed. While portraying him as "the greatest conqueror of his age, the hero of a hundred fights, the victor of Blenheim and of Ramillies," the same philosophical writer adds that he was "a man not only of the most idle and frivolous pursuits, but was so miserably ignorant that his deficiencies made him the ridicule of his contemporaries," while his politics were compounded of selfishness and treachery.[3] Nor was Wellington an exception. Though shining in the field without a rival, and remarkable for integrity of purpose, an unflinching honesty, and high moral feeling, the conqueror of Waterloo is described as "nevertheless utterly unequal to the complicated exigencies of political life."[4] This judgment of the philos-

[1] History of Civilization in England, (London, 1868,) Vol. I. pp. 199, 200.

[2] Ibid., p. 200.

[3] Ibid., p. 201.

[4] Ibid.

opher is confirmed by that of Metternich, the renowned statesman, who, after encountering Wellington at the Congresses of Vienna and Verona, did not hesitate to write of him as "the great Baby."[1] Such are the examples of history, each with its warning.

It would be hard to find anything in the native endowments or in the training of our chieftain to make him an illustrious exception; at least nothing of this kind is recorded. Was Nature more generous with him than with Marlborough or Wellington, Gustavus Adolphus or Frederick called the Great? or was his experience of life a better preparation than theirs? And yet they failed, except in war. It is not known that our chieftain had any experience as a civilian until he became President, nor does any partisan attribute to him that double culture which in Antiquity made the same man soldier and statesman. It has often been said that he took no note of public affairs, never voting but once in his life, and then for James Buchanan. After leaving West Point he became a captain in the Army, but soon abandoned the service, to reappear at a later day as a successful general. There is no reason to believe that he employed this intermediate period in any way calculated to improve him as a statesman. One of his unhesitating supporters, my colleague, [Mr. WILSON,] in a speech intended to commend him for reëlection, says: "Before the war we knew nothing of Grant. He was earning a few hundred dollars a year in tanning hides in Galena."[2] By the war he passed to be President; and such was his preparation to govern the Great Republic, making it an example to mankind! Thus he

[1] Sir H. L. Bulwer, Historical Characters, (4th edit.,) Vol. II. p. 331.

[2] Speech at Great Falls, N. H., February 24, 1872, pp. 6, 7.

learned to deal with all questions, domestic and foreign, whether of peace or war, to declare Constitutional Law and International Law, and to administer the vast appointing power, creating Cabinet officers, judges, foreign ministers, and an uncounted army of office-holders!

To these things must be added, that when this soldier first began as civilian he was already forty-six years old. At this mature age, close upon half a century, when habits are irrevocably fixed, when the mind has hardened against what is new, when the character has taken its permanent form, and the whole man is rooted in his own unchangeable individuality, our soldier entered abruptly upon the untried life of a civilian in its most exalted sphere. Do not be surprised, that, like other soldiers, he failed; the wonder would be had he succeeded. There is a French saying, that at forty a man has given his measure. At least his vocation is settled, — how completely is seen, if we suppose the statesman, after traversing the dividing point, abruptly changed to the soldier. And yet at an age nearly seven years later our soldier precipitately changed to the statesman.

This sudden metamorphosis cannot be forgotten, when we seek to comprehend the strange pretensions which ensued. It is easy to see how some very moderate experience in civil life, involving of course the lesson of subordination to republican principles, would have prevented indefensible acts.

TESTIMONY OF THE LATE EDWIN M. STANTON.

Something also must be attributed to individual character. And here I express no opinion of my own; I shall allow another to speak in solemn words echoed from the tomb.

On reaching Washington at the opening of Congress in December, 1869, I was pained to hear that Mr. Stanton, lately Secretary of War, was in failing health. Full of gratitude for his unsurpassed services, and with a sentiment of friendship quickened by common political sympathies, I lost no time in seeing him, and repeated my visits until his death, toward the close of the same month. My last visit was marked by a communication never to be forgotten. As I entered his bedroom, where I found him reclining on a sofa, propped by pillows, he reached out his hand, already clammy cold, and in reply to my inquiry, "How are you?" answered, "Waiting for my furlough." Then at once, with singular solemnity, he said, "I have something to say to you." When I was seated, he proceeded without one word of introduction: "I know General Grant better than any other person in the country can know him. It was my duty to study him, and I did so night and day, when I saw him and when I did not see him; and now I tell you what I know: *he cannot govern this country.*" The intensity of his manner and the positiveness of his judgment surprised me; for, though I was aware that the late Secretary of War did not place the President very high in general capacity, I was not prepared for a judgment so strongly couched. At last, after some delay, occupied in meditating his remarkable words, I observed, "What you say is very broad." "It is as true as it is broad," he replied promptly. I added, "You are tardy; you tell this late: why did you not say it before his nomination?" He answered, that he was not consulted about the nomination, and had no opportunity of expressing his opinion upon it, besides being much occupied at the time by his duties as Secretary of War and his contest with the

L of C.

President. I followed by saying, "But you took part in the Presidential election, and made a succession of speeches for him in Ohio and Pennsylvania." "I spoke," said he, "but I never introduced the name of General Grant. I spoke for the Republican Party and the Republican cause." This was the last time I saw Mr. Stanton. A few days later I followed him to the grave where he now rests. As the vagaries of the President became more manifest, and the Presidential office seemed more and more a plaything and perquisite, this dying judgment of the great citizen who knew him so well haunted me constantly, day and night; and I now communicate it to my country, feeling that it is a legacy which I have no right to withhold. Beyond the intrinsic interest from its author, it is not without value as testimony in considering how the President could have been led into that Quixotism of personal pretension which it is my duty to expose.[1]

DUTY TO MAKE EXPOSURE.

Pardon me, if I repeat that it is my duty to make this exposure, spreading before you the proofs of that personal government, which will only pass without censure when it passes without observation. Insisting upon reëlection, the President challenges inquiry and puts himself upon the country. But even if his pressure for reëlection did not menace the tranquillity of the country, it is important that the personal pretensions he has

[1] June 6th, Mr. Sumner reiterated in debate, with much emphasis, his statement of Mr. Stanton's expressed opinion of the President, and added the testimony of a letter of Horace White, editor of the Chicago Tribune. — See Congressional Globe, 42d Cong. 2d Sess., p. 4283.

set up should be exposed, that no President hereafter may venture upon such ways, and no Senator presume to defend them. The case is clear as noon.

TWO TYPICAL INSTANCES.

In opening this catalogue I select two typical instances, — Nepotism, and Gift-Taking with repayment by office, each absolutely indefensible in the head of a Republic, most pernicious in example, and showing beyond question that surpassing egotism which changed the Presidential office into a personal instrumentality, not unlike the trunk of an elephant, apt for all things, small as well as great, from provision for a relation to forcing a treaty on a reluctant Senate, or forcing a reelection on a reluctant people.

NEPOTISM OF THE PRESIDENT.

Between these two typical instances I hesitate which to place foremost: but since the nepotism of the President is a ruling passion, revealing the primary instincts of his nature, — since it is maintained by him in utter unconsciousness of its offensive character, — since, instead of blushing for it as an unhappy mistake, he continues to uphold it, — since it has been openly defended by Senators on this floor, — and since no true patriot anxious for republican institutions can doubt that it ought to be driven with hissing and scorn from all possibility of repetition, — I begin with this undoubted abuse.

There has been no call of Congress for a return of the relations holding office, stipend, or money-making op-

portunity under the President. The country is left to the press for information on this important subject. If there is any exaggeration, the President is in fault, — since, knowing the discreditable allegations, he has not hastened to furnish the precise facts, or at least his partisans have failed in not calling for the official information. In the mood which they have shown in this Chamber, it is evident that any resolution calling for it, moved by a Senator not known to be for his reëlection, would meet with opposition, and an effort to vindicate republican institutions would be denounced as an assault on the President. But the newspapers have placed enough beyond question for judgment on this extraordinary case, although thus far there has been no attempt to appreciate it, especially in the light of history.

One list makes the number of beneficiaries as many as forty-two, being probably every known person allied to the President by blood or marriage. Persons seeming to speak for the President, or at least after careful inquiries, have denied the accuracy of this list, reducing it to thirteen. It will not be questioned that there is at least a baker's dozen in this category, — thirteen relations of the President billeted on the country, not one of whom but for this relationship would have been brought forward, the whole constituting a case of nepotism not unworthy of those worst governments where office is a family possession.

Beyond the list of thirteen are other revelations, showing that this strange abuse did not stop with the President's relations, but that these obtained appointments for others in their circle, — so that every relation became a centre of influence, while the Presidential family extended indefinitely.

Hitherto only one President has appointed relations, and that was John Adams; but he found public opinion, inspired by the example of Washington, so strong against it, that, after a slight experiment, he replied to an applicant, "You know it is impossible for me to appoint my own relations to anything, without drawing forth a torrent of obloquy."[1] The judgment of the country found voice in Thomas Jefferson, who, in a letter written shortly after he became President, used these strong words: "Mr. Adams *degraded himself infinitely* by his conduct on this subject."[2] But John Adams, besides transferring his son John Quincy Adams from one diplomatic post to another, appointed only two relations. Pray, Sir, what words would Jefferson use, if he were here to speak on the open and multifarious nepotism of our President?

ORIGIN AND HISTORY OF NEPOTISM.

THE Presidential pretension is so important in every aspect, and the character of republican institutions is so absolutely compromised by its toleration, that it cannot be treated in any perfunctory way. It shall not be my fault, if hereafter there is any doubt with regard to it.

The word "Nepotism" is of Italian origin. First appearing at Rome when the Papal power was at its height, it served to designate the authority and influence exercised by the nephews, or more generally the family, of a Pope: all the family of a Pope were nephews, and the Pope was universal uncle. From Italian the word passed into other European languages, but in the lapse of time or process of naturalization it has come to denote the

[1] Letter to Benjamin Adams, April 22, 1799: Works, Vol. VIII. p. 636.
[2] Letter to George Jefferson, March 27, 1801: Writings, Vol. IV. p. 388.

misconduct of the appointing power, and has amplified so as to embrace others besides Popes who appoint relations to office. Johnson in his Dictionary defines it simply as "Fondness for nephews"; but our latest and best lexicographer, Worcester, supplies a definition more complete and satisfactory: "Favoritism shown to relations; patronage bestowed *in consideration of family relationship and not of merit.*" Such undoubtedly is the meaning of the word as now received and employed.

The character of this pretension appears in its origin and history. As far back as 1667 this undoubted abuse occupied attention to such a degree that it became the subject of an able historical work, entitled "Il Nipotismo di Roma," which is full of instruction and warning even for our Republic. In the early days of the Church Popes are described as discarding all relationship, whether of blood or alliance, and inclining to merit alone in their appointments, although there were some with so large a number of nephews, grand-nephews, brothers-in-law, and relations, as to baffle belief; and yet it is recorded that no sooner did the good Pope enter the Vatican, which is the Executive Mansion of Rome, than relations fled, brothers-in-law hid themselves, grand-nephews removed away, and nephews got at a long distance.[1] Such was the early virtue. Nepotism did not exist, and the word itself was unknown.

At last, in 1471, twenty-one years before the discovery of America by Columbus, Sixtus the Fourth became Pope, and with him began that nepotism which soon became famous as a Roman institution.[2] Born in 1414, the son of a fisherman, the eminent founder

[1] Nipotismo di Roma, Parte I. p. 34.
[2] Ibid., pp. 41, 60.

was already fifty-seven years old, and he reigned thirteen years, bringing to his functions large experience as a successful preacher and as general of the Franciscan friars. Though cradled in poverty, and by the vows of his Order bound to mendicancy, he began at once to heap office and riches upon the various members of his family, so that his conduct, from its barefaced inconsistency with the obligation of his life, excited, according to the historian, "the amazement and wonder of all."[1] The useful reforms he attempted are forgotten, and this remarkable pontiff is chiefly remembered now as the earliest nepotist. Different degrees of severity are employed by different authors in characterizing this unhappy fame. Bouillet, in his Dictionary of History,[2] having Catholic approbation, describes him as "feeble toward his nephews"; and our own Cyclopædia,[3] in a brief exposition of his character, says "he made himself odious by excessive nepotism." But in all varieties of expression the offence stands out for judgment.

The immediate successor of Sixtus was Innocent the Eighth, whom the historian describes as "very cold to his relations,"[4] since three only obtained preferment at his hands. But the example of the founder so far prevailed that for a century nepotism, as was said, "lorded it in Rome,"[5] except in a few instances worthy of commemoration and example.

Of these exceptions, the first in time was Julius the Second, founder of St. Peter's at Rome, whose remarkable countenance is so beautifully preserved by the genius

[1] Nipotismo di Roma, Parte I. p. 60.
[2] Dictionnaire Universel d'Histoire et de Géographie.
[3] Appleton's New American Cyclopædia.
[4] Nipotismo di Roma, Parte I. p. 68.
[5] Ibid., p. 89.

of Rafael. Though the nephew of the nepotist, and not declining to appoint all relations, he did it with such moderation that Rome was said to have been "almost without nepotism" in his time.[1] Adrian the Sixth, early teacher of Charles the Fifth, and successor of Leo the Tenth, set a better example by refusing absolutely; but so accustomed had Rome become to this abuse, that not only the ambassadors, but the people, condemned him as "too rude" with his relations. A son of his cousin, studying in Siena, started for Rome, trusting to obtain important recognition; but the Pope, without seeing him, sent him back on a hired horse. Relations thronged from other places, and even from across the Alps, longing for that greatness which other Popes had lavished on family; but Adrian dismissed them with a slight change of clothing and an allowance of money for the journey: one who from poverty came on foot was permitted to return on foot. This Pope carried abnegation of his family so far as to make relationship an excuse for not rewarding one who had served the Church well.[2] Similar in character was Marcellus the Second, who became Pope in 1555. He was unwilling that any of his family should come to Rome; even his brother was forbidden: but this good example was closed by death, after a reign of twenty days only; and yet this brief period of exemplary virtue has made this pontiff famous. Kindred in spirit was Urban the Seventh, who reigned thirteen days only in 1590, but long enough to repel his relations, — and also Leo the Eleventh, who reigned twenty-five days in 1605. To this list may be added Innocent the Ninth, who died after two months

[1] Nipotismo di Roma, Parte I., p. 80.
[2] Ibid. pp. 82, 83; Parte II. p. 17.

of service. It is related that his death displeased his relations much, and dissolved the air-castles they had built. They had hurried from Bologna, but, except a grand-nephew, all were obliged to return poor as they came.[1] In this list I must not forget Pius the Fifth, who reigned from 1566 to 1572. He set himself so completely against aggrandizing his own family, that he was with difficulty persuaded to make a sister's son cardinal, — and would not have done it, had not all the cardinals united, on grounds of conscience, against the denial of this dignity to one most worthy of it.[2] Such virtue was part of that elevated character which caused his subsequent canonization.

These good Popes were short-lived, — their reigns for the most part counting by days only; but they opened happy glimpses of an administration where the powers of government were not treated as a personal perquisite. The opposite list had the advantage of time.

Conspicuous among nepotists was Alexander the Sixth, whose family name of Borgia is damned to fame. With him nepotism assumed its most brutal and barbarous development, reflecting the character of its pontifical author, who was without the smallest ray of good. Other Popes were less cruel and bloody, but not less determined in providing for their families. Paul the Third, who was of the great house of Farnese, would have had the estates of the Church a garden for the "lilies" which flourish on the escutcheon of his family.[3] It is related that when Urban the Eighth, who was a Barberini, began his historic reign, all his relations at a distance flew to Rome like the "bees" on the family arms, to suck the honey

[1] Nipotismo di Roma, Parte I. pp. 99–100.
[2] Ibid., p. 94.
[3] Ibid., Parte II. p. 132.

of the Church, but not leaving behind the sting with which they pricked while they sucked.[1] Whether lilies or bees, it was the same. The latter pontiff gave to nepotism fulness of power when he resolved "to have no business with any one not dependent upon his house."[2] In the same spirit he excused himself from making a man cardinal because he had "always been the enemy of his nephews."[3] Although nothing so positive is recorded of Paul the Fifth, who was a Borghese, his nepotism appears in the Roman saying, that, "while serving the Church as a good shepherd, he gave too much wool to his nephews."[4] These instructive incidents, illustrating the pontifical pretension, reflect light on the history of palaces and galleries at Rome, now admired by the visitor from distant lands. If not created, they were at least enlarged by nepotism.

It does not always appear how many relations a Pope endowed. Often it was all, as in the case of Gregory the Thirteenth, who, besides advancing a nephew actually at Rome, called thither all his nephews and grandnephews, whether from brothers or sisters, and gave them offices, dignities, governments, lordships, prelacies, and abbacies.[5] Cæsar Borgia and his sister Lucretia were not the only relations of Alexander the Sixth. I do not find the number adopted by Sixtus, the founder of the system. Pius the Fourth, who was of the grasping Medicean family, favored no less than twenty-five.[6] Alexander the Seventh, of the Chigi family, had about

1 Nipotismo di Roma, Parte I. p. 114.
2 Ibid., Parte II. p. 162.
3 Ibid., pp. 167–68.
4 Ibid., Parte I. p. 103.
5 Ibid., pp. 94, 95.
6 Ibid., p. 94.

him five nephews and one brother, which a contemporary characterized as "nepotism all complete."[1] This pontiff began his reign by forbidding his relations to appear at Rome, which redounded at once to his credit throughout the Christian world, while the astonished people discoursed of his holiness and the purity of his life, expecting even to see miracles. In making the change, he yielded evidently to immoral pressure and the example of predecessors.

The performances of papal nephews figure in history. After the Borgias were the Caraffas, who obtained power through Paul the Fourth; but at last becoming too insolent and rapacious, their uncle was compelled to strip them of their dignities and drive them from Rome.[2] Sometimes nephews were employed chiefly in ministering to pontifical pleasures, as in the case of Julius the Third, who, according to the historian, "thought of nothing but banqueting with this one and that one, keeping his relations in Rome rather to accompany him at banquets than to aid him in the government of the holy Church, about which he thought little."[3] This occasion for relations does not exist at Rome now, as the pontiff leads a discreet life, always at home, and never banquets abroad.

These historic instances make us see nepotism in its original seat. Would you know how it was regarded there? Sometimes it was called a hydra with many heads, sprouting anew at the election of a pontiff,[4] then again it was called Ottoman rather than Christian in character.[5] The contemporary historian who has

[1] Nipotismo di Roma, Parte I. pp. 179–80.
[2] Ibid., pp. 92–93.
[3] Ibid., Parte II. p. 132.
[4] Ibid., p. 75.
[5] Ibid., p. 142.

described it so minutely says that those who merely read of it without seeing it will find it difficult to believe or even imagine.[1] The qualities of a Pope's relation were said to be "ignorance and cunning."[2] It is easy to believe that this prostitution of the head of the Church was one of the abuses which excited the cry for Reform, and awakened even in Rome the echoes of Martin Luther. A Swedish nobleman visiting Rome is recorded as declaring himself unwilling to be the subject of a pontiff who was himself the subject of his own relations.[3] But even this pretension was not without open defenders, while the general effrontery with which it was maintained assumed that it was above question. If some gave with eyes closed, most gave with eyes open. It was said that Popes were not to neglect their own blood, that they should not show themselves worse than the beasts, not one of which fails to caress its relations; and the case of bears and lions, the most ferocious of all, was cited as authority for this recognition of one's own blood.[4] All this was soberly said, and it is doubtless true. Not even a Pope can justly neglect his own blood; but help and charity must be at his own expense, and not at the expense of his country. In appointments to office, merit and not blood is the only just recommendation.

That nepotism has ceased to lord itself in Rome, that no pontiff billets his relations upon the Church, that the appointing power of the Pope is treated as a public trust and not as a personal perquisite, — all this is the present testimony with regard to that government which knows from experience the baneful character of this abuse.

[1] Nipotismo di Roma, Parte II. p. 145.
[2] Ibid., p. 152.
[3] Ibid., p. 11.
[4] Ibid., p. 18.

AMERICAN AUTHORITIES ON NEPOTISM.

THE nepotism of Rome was little known in our country, and I do not doubt that Washington, when declining to make the Presidential office a personal perquisite, was governed by that instinct of duty and patriotism which rendered him so preëminent. Through all the perils of a seven years' war he had battled with that kingly rule which elevates a whole family without regard to merit, fastening all upon the nation, and he had learned that this royal system could find no place in a republic. Therefore he rejected the claims of relations, and in nothing was his example more beautiful. His latest biographer, Washington Irving, records him as saying: —

"So far as I know my own mind, I would not be in the remotest degree influenced in making nominations by motives arising from the ties of family or blood." [1]

Then again he declared his purpose to "discharge the duties of the office with that impartiality and zeal for the public good which ought never to suffer connections of blood or friendship to intermingle so as to have the least sway on decisions of a public nature." [2]

This excellent rule of conduct is illustrated by the advice to his successor with regard to the promotion of his son, John Quincy Adams. After giving it as his "decided opinion" that the latter "is the most valuable public character we have abroad," and promises to be "the ablest of all our diplomatic corps," Washington declares: —

[1] Irving's Life of Washington, Vol. V. p. 22. See also the writings of Washington, ed. Sparks, Vol. IX. p. 479, note.

[2] Letter to Benjamin Harrison, March 9, 1789: Writings, ed. Sparks, Vol. IX. p. 476.

"If he was now to be brought into that line, or into any other public walk, I could not, upon the principle which has regulated my own conduct, disapprove of the caution which is hinted at in the letter." [1]

Considering the importance of the rule, it were better for the country if it had prevailed over parental regard and the extraordinary merits of the son.

In vindicating his conduct at a later day, John Adams protested against what he called "the hypersuperlative public virtue" of Washington, and insisted: "A President ought not to appoint a man because he is his relation; nor ought he to refuse or neglect to appoint him for that reason." [2] With absolute certainty that the President is above all prejudice of family and sensitive to merit only, this rule is not unreasonable; but who can be trusted to apply it?

Jefferson developed and explained the true principles in a manner worthy of republican institutions. In a letter to a relation immediately after becoming President, he wrote:

"The public will never be made to believe that an appointment of a relative is made on the ground of merit alone, uninfluenced by family views; *nor can they ever see with approbation offices, the disposal of which they intrust to their Presidents for public purposes, divided out as family property.* Mr. Adams degraded himself infinitely by his conduct on this subject, as General Washington had done himself the greatest honor. With two such examples to proceed by, I should be doubly inexcusable to err." [3]

After his retirement from the Presidency, in a letter to a kinsman, he asserts the rule again: —

[1] Washington to Adams, February 20, 1797: Works of John Adams, Vol. VIII. p. 530.

[2] Letter to Madison, March 23, 1813.

[3] Letter to George Jefferson, March 27, 1801: Writings, Vol. IV. p. 388.

"Towards acquiring the confidence of the people, the very first measure is to satisfy them of his disinterestedness, and that he is directing their affairs with a single eye to their good, and not to build up fortunes for himself and family; and especially that the officers appointed to transact their business are appointed because they are the fittest men, not because they are his relations. So prone are they to suspicion, that, where a President appoints a relation of his own, however worthy, they will believe that favor, and not merit, was the motive. I therefore laid it down as a law of conduct for myself, never to give an appointment to a relation." [1]

That statement is unanswerable. The elect of the people must live so as best to maintain their interests and to elevate the national sentiment. This can be only by an example of unselfish devotion to the public weal which shall be above suspicion. A President suspected of weakness for his relations is already shorn of strength.

In saying that his predecessor "degraded himself infinitely by his conduct on this subject," Jefferson shows the rigor of his requirement. Besides the transfer of his son, John Quincy Adams, from one diplomatic mission of lower grade to another of a higher, John Adams is responsible for the appointment of his son-in-law, Colonel Smith, as surveyor of the port of New York, and his wife's nephew, William Cranch, as chief-justice of the Circuit Court of the District of Columbia, — both persons of merit, and the former "serving through the war with high applause of his superiors." [2] The public sentiment appears in the condemnation of these appointments. In refusing another of his relations, we have already seen [3] that John Adams wrote: "You know it is

[1] Letter to J. Garland Jefferson, January 25, 1810: Writings, Vol. V. p. 498.

[2] Works of John Adams, Vol. IX. p. 63.

[3] *Ante*, p. 103.

impossible for me to appoint my own relations to anything without drawing forth a torrent of obloquy." But this torrent was nothing but the judgment of the American people unwilling that republican institutions at that early day should suffer.

Thus far John Adams stands alone. If any other President has made appointments from his own family, it has been on so petty a scale as not to be recognized in history. John Quincy Adams, when President, did not follow his father. An early letter to his mother foreshadows a rule not unlike that of Jefferson: —

"I hope, my ever dear and honored mother, that you are fully convinced from my letters, which you have before this received, that upon the contingency of my father's being placed in the first magistracy I shall never give him any trouble by solicitation for office of any kind. Your late letters have repeated so many times that I shall in that case have nothing to *expect*, that I am afraid you have imagined it possible that I *might* form expectations from such an event. I had hoped that *my mother* knew me better; that she did me the justice to believe that I have not been so totally regardless or forgetful of the principles which my education had instilled, nor so totally destitute of a *personal* sense of delicacy, as to be susceptible of a wish tending in that direction." [1]

To Jefferson's sense of public duty John Quincy Adams added the sense of personal delicacy, both strong against such appointment of relations. To the irresistible judgment against this abuse, a recent moralist, of lofty nature, Theodore Parker, imparts new expression, when he says, "It is a dangerous and unjust practice." [2] This is simple and monitory.

[1] Works of John Adams, Vol. VIII. pp. 529–30, note.
[2] Historic Americans, p. 211.

PRESIDENTIAL APOLOGIES FOR NEPOTISM.

WITHOUT the avalanche of testimony against this Presidential pretension, it is necessary only to glance at the defences sometimes set up; for such is the insensibility bred by Presidential example, that even this intolerable outrage is not without voices speaking for the President. Sometimes it is said, that, his salary being far from royal, the people will not scan closely an attempt to help relations, — which, being interpreted, means that the President may supplement the pettiness of his salary by the appointing power. Let John Adams, who did not hesitate to bestow office upon a few relations of unquestioned merit, judge this pretension. I quote his words: —

"Every public man should be honestly paid for his services. . . . But he should be restrained from every *perquisite* not known to the laws, and he should make no claims upon the gratitude of the public, nor ever confer an office within his patronage upon a son, a brother, a friend, upon pretence that he is not paid for his services by the profits of his office."[1]

It is impossible to deny the soundness of this requirement and its completeness as an answer to one of the apologies.

Sometimes the defender is more audacious, insisting openly upon the Presidential prerogative without question, until we seem to hear in aggravated form the obnoxious cry, "To the victor belong the spoils." I did not suppose that this old cry could be revived in any form; but since it is heard again, I choose to expose it; and here I use the language of Madison, whose mild wisdom has illumined so much of constitutional duty.

[1] Letter to John Jebb, August 21, 1785: Works, Vol. IX. p. 535.

In his judgment the pretension was odious, "that offices and emoluments were the spoils of victory, *the personal property* of the successful candidate for the Presidency"; and he adds in words not to be forgotten at this moment: —

"The principle, if avowed without the practice, or practised without the avowal, could not fail to degrade any Administration, — both together, completely so."[1]

This is strong language. The rule in its early form could not fail to degrade any Administration. But now this degrading rule is extended, and we are told that to the President's family belong the spoils.

Another apology, vouchsafed even on this floor, is, that, if the President cannot appoint his relations, they alone of all citizens are excluded from office, — which, it is said, should not be. But is it not for the public good that they should be excluded? Such was the wise judgment of Jefferson, and such is the testimony from another quarter. That eminent prelate, Bishop Butler, who has given to English literature one of its most masterly productions, known as "Butler's Analogy," after his elevation to the see of Durham with its remarkable patronage, was so self-denying with regard to his family that a nephew said to him, "Methinks, my Lord, it is a misfortune to be related to you."[2] Golden words of honor for the English Bishop! But none such have been earned by the American President.

Assuming that in case of positive merit designating a citizen for a particular post the President might appoint a relation, it would be only where the merit was so shin-

[1] Letter to Edward Cole, August 29, 1834: Letters and other Writings, Vol. IV. p. 357.

[2] Memoirs, by Thomas Bartlett, (London, 1839,) p. 200.

ing that his absence would be noticed. At least it must be such as to make the citizen a candidate without regard to family. But no such merit is attributed to the beneficiaries of our President, some of whom have done little but bring scandal upon the public service. At least one is tainted with fraud; and another, with the commission of the Republic abroad, has been guilty of indiscretions inconsistent with his trust. Appointed originally in open defiance of republican principles, they have been retained in office after their unfitness became painfully manifest. By the testimony before a Congressional Committee, one of these, a brother-in-law, was implicated in bribery and corruption. It is said that at last, after considerable delay, the President has consented to his removal.

Here I leave for the present this enormous unrepublican pretension, waiting to hear if it can again find an apologist. Is there a single Senator who will not dismiss it to judgment?

GIFT-TAKING, — AND REPAYMENT WITH OFFICE.

From one typical abuse I pass to another. From a dropsical Nepotism swollen to elephantiasis, which nobody can defend, I pass to Gift-Taking, which with our President has assumed an unprecedented form. Sometimes public men even in our country have taken gifts, but it is not known that any President before has repaid the patron with office. For a public man to take gifts is reprehensible; for a President to select Cabinet councillors and other officers among those from whom he has taken gifts is an anomaly in republican annals. Observe, Sir, that I speak of it gently, unwilling to exhibit

the indignation which such a Presidential pretension is calculated to arouse. The country will judge it, and blot it out as an example.

There have been throughout history corrupt characters in official station; but, whether in ancient or modern times, the testimony is constant against the taking of gifts, and nowhere with more force than in our Scriptures, where it is said: "Thou shalt not wrest judgment, thou shalt not respect persons, *neither take a gift;* for a gift doth blind the eyes of the wise." [1] Here is the inhibition, and also the reason, which slight observation shows to be true. Does not a gift blind the eyes of the wise? The influence of gifts is represented by Plutarch in the life of a Spartan king: —

> "For he thought those ways of entrapping men by gifts and presents, which other kings use, dishonest and inartificial; and it seemed to him to be the most noble method and most suitable to a king to win the affections of those that came near him by personal intercourse and agreeable conversation, since between a friend and a mercenary the only distinction is, that we gain the one by one's character and conversation, the other by one's money." [2]

What is done under the influence of a gift is mercenary; but whether from ruler to subject or from subject to ruler, the gift is equally pernicious. An ancient patriot "feared the Greeks bearing gifts," [3] and these words have become a proverb; but there are Greeks bearing gifts elsewhere than at Troy. A public man can traffic with such only at his peril. At their appearance the prayer should be said, "Lead us not into temptation."

[1] Deuteronomy, xvi. 19.

[2] Plutarch's Lives, — *Cleomenes*, ed. Clough: Vol. IV. p. 479.

[3] "Timeo Danaos et dona ferentes." — VIRGIL, *Æneid.* Lib. II. 49.

The best examples testify. Thus, in the autobiography of Lord Brougham, posthumously published, it appears that at a great meeting in Glasgow five hundred pounds were subscribed as a gift to him for his public service, to be put into such form as he might think best. He hesitated. "This required," he records, "much consideration, as such gifts were liable to be abused." Not content with his own judgment, he assembled some friends to discuss it, — "Lord Holland, Lord Erskine, Romilly, and Baring," — and he wrote to Earl Grey, afterward Prime-Minister, who replied: —

"Both Grenville and I accepted from the Catholics of Glasgow a piece of plate — of no great value indeed — *after we were turned out* in 1807. . . . If you still feel scruples, I can only add that it is impossible to err on the side of delicacy with respect to matters of this nature."

It ended in his declining to accept anything more than the small top of a gold inkstand.[1]

In our country Washington keeps his lofty heights, setting himself against gift-taking as against nepotism. In 1785, while in private life, two years after he ceased to be commander-in-chief of our armies and four years before he became President, he could not be induced to accept a certain amount of canal stock offered him by the State of Virginia, as appears in an official communication: —

"It gives me great pleasure to inform you that the Assembly yesterday, without a dissenting voice, complimented you with fifty shares in the Potomac Company and one hundred in the James River Company." [2]

[1] Life and Times of Henry Lord Brougham, London, 1870, Vol. II. pp. 29–32.

[2] Letter of Benjamin Harrison, January 6, 1785: Washington's Writings, ed. Sparks, Vol. IX. p. 83.

Fully to appreciate the reply of Washington, it must be borne in mind, that, according to Washington Irving, his biographer, "some degree of economy was necessary, for his financial concerns had suffered during the war, and the products of his estate had fallen off."[1] But he was not tempted. Thus he wrote: —

"How would this matter be viewed by the eye of the world, and what would be the opinion of it, when it comes to be related that George Washington has received twenty thousand dollars and five thousand pounds sterling of the public money as an interest therein? .... Under whatever pretence, and however customarily these gratuitous gifts are made in other countries, should I not thenceforward be considered as a dependant?"[2]

And subsequently to Jefferson: —

"I never for a moment entertained an idea of accepting it."[3]

How admirably he touches the point when he asks, "Should I not thenceforward be considered as a dependant?" According to our Scripture the gift blinds the eyes; according to Washington it makes the receiver a dependant.

In harmony with this sentiment was his subsequent refusal, when President, as is recorded by an ingenuous writer: —

"He was exceedingly careful about committing himself; *would receive no favors of any kind*, and scrupulously paid for everything. .... A large house was set apart for him on

[1] Life of Washington, Vol. IV. p. 448.

[2] Letter to Harrison, January 22, 1785: Writings, ed. Sparks, Vol. IX. p. 85.

[3] September 26, 1785: Ibid. p. 133.

Ninth Street, [Philadelphia,] on the grounds now covered by the Pennsylvania University, *which he refused to accept.*" [1]

By such instances, brought to light recently, and shining in contrast with our times, we learn to admire anew the virtue of Washington.

It would be easy to show how in all ages the refusal of gifts has been recognized as the sign of virtue, if not the requirement of duty. The story of St. Louis of France is beautiful and suggestive. Leaving on a crusade, he charged the Queen, who remained behind, "not to accept presents for herself or her children." [2] Such was one of the injunctions by which this monarch, when far away on a pious expedition, impressed himself upon his country.

My own strong convictions on this Presidential pretension were aroused in a conversation which it was my privilege to enjoy with John Quincy Adams, as he sat in his sick-chamber at his son's house in Boston, a short time before he fell at his post of duty in the House of Representatives. In a voice trembling with age and with emotion, he said that no public man could take gifts without peril; and he confessed that his own judgment had been quickened by the example of Count Romanzoff, the eminent Chancellor of the Russian Empire, who, after receiving costly gifts from foreign sovereigns with whom he had negotiated treaties, felt a difficulty of conscience in keeping them, and at last handed over their value to a hospital, as he related to Mr. Adams, then Minister at St. Petersburg.[3] The latter was impressed by this Russian example, and through his long career, as Minister abroad, Secretary of State, President,

[1] Forney's Anecdotes of Public Men, p. 240.
[2] Guizot, Histoire de France, Tom. I. p. 519.
[3] See Memoirs, Vol. III. p. 528.

and Representative, always refused gifts, unless a book or some small article in its nature a token and not a reward or bribe.

The Constitution testifies against the taking of gifts by officers of the United States, when it provides that "no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present or emolument from any king, prince, or foreign State." The acceptance of a present or emolument from our own citizens was left without constitutional inhibition, to be constrained by the public conscience and the just aversion to any semblance of bargain and sale, or bribery, in the public service.

The case of our President is exceptional. Notoriously he has taken gifts while in the public service, some at least after he had been elected President, until "the Galena tanner of a few hundred dollars a year" — to borrow the words of my colleague [Mr. WILSON], one of his supporters — is now rich in houses, lands, and stock, above his salary, being probably the richest President since George Washington. Notoriously he has appointed to his Cabinet several among these "Greeks bearing gifts," without seeming to see the indecorum, if not the indecency, of the transaction. At least two, if not three, of these Greeks, having no known position in the Republican Party, or influence in the country, have been selected as his counsellors in national affairs and heads of great departments of government. Again do I repeat the words of our Scriptures, "A gift doth blind the eyes of the wise"; again the words of Washington, "Should I not thenceforward be considered as a dependant?"

Nor does the case of the first Secretary of State differ in character from that of the other three Cabinet offi-

cers referred to. The President, feeling under personal obligation to Mr. Washburne for important support, gave him a complimentary nomination, with the understanding that after confirmation he should forthwith resign. I cannot forget the indignant comment of the late Mr. Fessenden, as we passed out of the Senate Chamber immediately after the confirmation. "Who," said he, "ever heard before of a man nominated Secretary of State merely as a compliment?" But this is only another case of the public service subordinated to personal considerations.

Not only in the Cabinet, but in other offices, there is reason to believe that the President has been under the influence of patrons. Why was he so blind to Thomas Murphy? The custom-house of New York, with all its capacity as a political engine, was handed over to this agent, whose want of recognition in the Republican Party was outbalanced by Presidential favor, and whose gifts have become notorious. And when the demand for his removal was irresistible, the President accepted his resignation with an effusion of sentiment natural toward a patron, but without justification in the character of the retiring officer.

Shakespeare, who saw intuitively the springs of human conduct, touches more than once on the operation of the gift. "I 'll do thee service for so good a gift," said Gloster to Warwick.[1] Then, again, how truly spoke the lord, who said of Timon, —

> "No gift to him
> But breeds the giver a return exceeding
> All use of quittance."[2]

And such were the returns made by the President.

[1] King Henry VI., Third Part, Act V. Sc. 1.
[2] Timon of Athens, Act I. Sc. 1.

Thus much for gifts, reciprocated by office. The instance is original and without precedent in our history.

THE PRESIDENCY A PERQUISITE.

I HAVE now completed the survey of the two typical instances — Nepotism, and Gift-Taking with repayment by office — in which we are compelled to see the President. In these things he shows himself. Here is no portrait drawn by critic or enemy; it is the original who stands forth, saying: "Behold the generosity I practise to my relations at the expense of the public service! also the gifts I take, and then my way of rewarding the patrons, always at the expense of the public service!" In this open exhibition we see how the Presidency, instead of a trust, has become a perquisite. Bad as are these two capital instances, and important as is their condemnation, so that they may not become a precedent, I dwell on them now as illustrating character. A President who can do such things, and not recognize at once the error he has committed, shows that supereminence of egotism under which Constitution, International Law, and Municipal Law, to say nothing of Republican Government in its primary principles, are all subordinated to the Presidential will; and this is Personal Government. Add an insensibility to the honest convictions of others, and you have a natural feature of this pretension.

Lawyers cite what are called "Leading Cases." A few of these show the Presidential will in constant operation with little regard to precedent or reason, so as to be a caprice, if it were not a pretension. Imitating the Popes in Nepotism, the President has imitated them in ostentatious assumption of Infallibility.

THE PRESIDENT'S INAUGURAL ADDRESS.

Other Presidents have entered upon their high office with a certain modesty and distrust. Washington in his Inaugural Address declared his "anxieties," also his sense of "the magnitude and difficulty of the trust," "awakening a distrustful scrutiny into his qualifications."[1] Jefferson, in his famous Inaugural, so replete with political wisdom, after declaring his "sincere consciousness that the task is above his talents," says: "I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire, ... and humble myself before the magnitude of the undertaking."[2]

Our soldier, absolutely untried in civil life, entirely a new man, entering upon the sublimest duties, before which Washington and Jefferson had shrunk, said in his Inaugural: "The responsibilities of the position I feel, but *accept them without fear*."[3] Great predecessors, with ample preparation for the responsibilities, had shrunk back with fear. He had none. Either he did not see the responsibilities, or the Cæsar began to stir in his bosom.

SELECTION OF HIS CABINET.

Next after the Inaugural Address, his first official act was the selection of his Cabinet; and here the general disappointment was equalled by the general wonder. As the President was little known except from the victories which had commended him, it was not then seen

[1] Writings, ed. Sparks, Vol. XII. p. 1.
[2] Writings, Vol. VIII. p. 1.
[3] Congressional Globe, 41st Cong. 1st Sess., p. 1.

how completely characteristic was this initial act. Looking back upon it, we recognize the pretension by which all tradition, usage, and propriety were discarded, by which the just expectations of the party that had elected him were set at nought, and the safeguards of constitutional government were subordinated to the personal pretensions of One Man. In this Cabinet were persons having small relations with the Republican Party and little position in the country, some absolutely without claims from public service, and some actually disqualified by the gifts they had made to the President. Such was the political phenomenon presented for the first time in American history, while reported sayings of the President showed the simplicity with which he acted. To a committee he described his Cabinet as his "family," with which no stranger could be allowed to interfere, and to a member of Congress he announced that he selected his Cabinet "to please himself and nobody else," — being good rules unquestionably for the organization of a household and the choice of domestics, to which the Cabinet seem to have been likened. This personal government flowered in the Navy Department, where a gift-bearing Greek was suddenly changed to a Secretary. No less a personage than the grand old Admiral, the brave, yet modest Farragut, was reported as asking, on the fifth of March, the very day when the Cabinet was announced, in unaffected ignorance, "Do you know anything of Borie?" And yet this unconspicuous citizen, bearer of gifts to the President, was constituted the naval superior of that historic character. If others were less obscure, the Cabinet as a unit was none the less notable as the creature of Presidential will, where Chance vied with Favoritism as arbiter.

All this is so strange, when we consider the true idea of a Cabinet. Though not named in the Constitution, yet by virtue of unbroken usage among us, and in harmony with constitutional governments everywhere, the Cabinet has become a constitutional body, hardly less than if expressly established by the Constitution itself. Its members, besides being the heads of great departments, are the counsellors of the President, with the duty to advise him of all matters within the sphere of his office, being nothing less than the great catalogue in the Preamble of the Constitution, beginning with duty to the Union, and ending with the duty to secure the blessings of Liberty to ourselves and our posterity. Besides undoubted fitness for these exalted responsibilities, as head of a department and as counsellor, a member should have such acknowledged position in the country that his presence inspires confidence and gives strength to the Administration. How little these things were regarded by the President need not be said.

Unquestionably the President has a discretion in the appointment of his Cabinet; but it is a constitutional discretion, regulated by regard for the interests of the country and not by mere personal will, by statesmanship and not by favoritism. A Cabinet is a national institution and not a Presidential perquisite, — unless our President is allowed to copy the example of Imperial France. In all constitutional governments, the Cabinet is selected on public reasons, and with a single eye to the public service; it is not in any respect the "family" of the sovereign, nor is it "to please himself and nobody else." English monarchs have often accepted statesmen personally disagreeable, when they had become representatives of the prevailing party, — as

when George the Third, the most obstinate of rulers, accepted Fox, and George the Fourth, as prejudiced as his father was obstinate, accepted Canning, each bringing to the service commanding faculties. It is related that the Duke of Wellington, with military frankness, encountered the personal objections of the King in the latter case, by saying: "Your Majesty is the sovereign of England, with duties to your people far above any to yourself; and these duties render it imperative that you should at this time employ the abilities of Mr. Canning."[1] By such instances in a constitutional government is the Cabinet fixed as a constitutional and not a personal body. It is only by some extraordinary hallucination that the President of a Republic dedicated to Constitutional Liberty can imagine himself invested with a transforming prerogative above that of any English sovereign, by which his counsellors are changed from public officers to personal attendants, and a great constitutional body, in which all citizens have a common interest, is made a perquisite of the President.

APPROPRIATION OF THE OFFICES.

Marked among the spectacles which followed, and kindred in character with the appropriation of the Cabinet as individual property, was the appropriation of the offices of the country, to which I refer in this place even at the expense of repetition. Obscure and undeserving relations, marriage connections, personal retainers, army associates, friends of unknown fame and notable only as personal friends or friends of his relations, evidently absorbed the Presidential mind during those months of

[1] Sir H. L. Bulwer, Historic Characters, Vol. II. p. 324.

obdurate reticence when a generous people supposed the Cabinet to be the all-absorbing thought. Judging by the facts, it would seem as if the chief and most spontaneous thought was how to exploit the appointing power to his own personal behoof. At this period the New York Custom-House presented itself to the imagination, and a letter was written consigning a military dependant to the generosity of the Collector. You know the rest. Dr. Johnson, acting as executor in selling the distillery of Mr. Thrale, said: "We are not here to sell a parcel of boilers and vats, but the potentiality of growing rich beyond the dreams of avarice."[1] If the President did not use the sounding phrase of the great English moralist, it is evident that his military dependant felt in that letter all the "potentiality" advertised in the earlier case, and acted accordingly.

It is not necessary to say that in these things there was departure from the requirements of law, whether in the appointment of his Cabinet or of personal favorites, even in return for personal benefactions, although it was plainly unrepublican, offensive, and indefensible. But this same usurping spirit, born of an untutored egotism, brooking no restraint, showed itself in another class of transactions, to which I have already referred, where Law and Constitution were little regarded.

PRESIDENTIAL ASSAULT ON A SAFEGUARD OF THE TREASURY.

First in time and very indigenous in character was the Presidential attempt against one of the sacred safeguards of the Treasury, the original workmanship of

[1] Boswell's Life of Johnson, ed. Croker, April, 1781.

Alexander Hamilton, being nothing less than the "Act to establish the Treasury Department." Here was an important provision, "that no person appointed to any office instituted by this Act shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce"; and any person so offending was declared guilty of a high misdemeanor, and was to forfeit to the United States three thousand dollars, with removal from office, and forever thereafter to be incapable of holding any office under the United States.[1] From the beginning this statute had stood unquestioned, until it had acquired the character of fundamental law. And yet the President, by a special message, dated March 6, 1869, being the second day of his first service as a civilian, asked Congress to set it aside, so as to enable Mr. Stewart, of New York, already nominated and confirmed as Secretary of the Treasury, to enter upon the duties of this office.[2] This gentleman was unquestionably the largest merchant who had transacted business in our country, and his imports were of such magnitude as to clog the custom-house. If the statute was anything but one of those cobwebs which catch the weak, but yield to the rich, this was the occasion for it, and the President should have yielded to no temptation against it. The indecorum of his effort stands out more painfully when it is considered that the merchant for whom he wished to set aside a time-honored safeguard was one of those from whom he had received gifts.

Such was the accommodating disposition of the Senate, that a bill exempting the Presidential benefactor from the operation of the statute was promptly introduced,

[1] Act of September 2, 1789, Section 8: Statutes at Large, Vol. I. p. 67.

[2] Congressional Globe, 41st Cong. 1st Sess., p. 22.

and even read twice, until, as it seemed about to pass, I felt it my duty to object to its consideration, saying, according to the Globe, "I think it ought to be most profoundly considered before it is acted on by the Senate."[1] This objection caused its postponement. The country was startled. By telegraph the general anxiety was communicated to Washington. Three days later the President sent a message requesting permission to withdraw the former message.[2] But he could not withdraw the impression produced by such open disregard of the law to promote his personal desire.

ILLEGAL MILITARY RING AT THE EXECUTIVE MANSION.

THE military spirit, which failed in the effort to set aside a fundamental law as if it were a transient order, was more successful at the Executive Mansion, which at once assumed the character of military head-quarters. To the dishonor of the civil service, and in total disregard of precedent, the President surrounded himself with officers of the Army, and substituted military forms for those of civil life, detailing for this service members of his late staff. The earliest public notice of this military occupation appeared in the "Daily Morning Chronicle" of March 8, 1869, understood to be the official organ of the Administration: —

"President Grant was not at the White House yesterday, but the following members of his staff were occupying the Secretaries' rooms and acting as such: Generals Babcock, Porter, Badeau, and Dent."

[1] Congressional Globe, 41st Cong. 1st Sess., p. 22.
[2] Ibid., p. 34.

This is to be regarded not only in its strange blazonry of the Presidential pretension, but also as the first apparition of that minor *military ring* in which the President has lived ever since.

Thus installed, Army officers became secretaries of the President, delivering his messages to both Houses of Congress, and even authenticating Presidential acts as if they were military orders. Here, for instance, is an official communication: —

EXECUTIVE MANSION,
Washington, D. C., March 15, 1869.

ROBERT MARTIN DOUGLAS, Esq.:

SIR, — You are hereby appointed Assistant Private Secretary to the President, to date from the 15th March, 1869.

By order of the President,

HORACE PORTER,
Brevet Brigadier-General, Secretary.[1]

Mark the words, "By order of the President," and then the signature, "Horace Porter, Brevet Brigadier-General, Secretary."

The Presidential pretension which I exhibit on the simple facts, besides being of doubtful legality, to say the least, was of evil example, demoralizing alike to the military and civil service, and an undoubted reproach to republican institutions in that primary principle, announced by Jefferson in his first Inaugural Address, "the supremacy of the civil over the military authority."[2] It seemed only to remain that the President should sign his Messages, "Commander-in-Chief of the Army of the United States." Evidently a new order of things had arrived.

[1] Daily Morning Chronicle, March 16, 1869.
[2] Writings, Vol. VIII. p. 4.

Observe the mildness of my language, when I call this Presidential pretension "of doubtful legality." The law shall speak for itself. Obviously it was the same for our military President as for his predecessors, and it was recent also: —

"The President is hereby authorized to appoint a private secretary at an annual salary of $3,500, an assistant secretary at an annual salary of $2,500, a short-hand writer at an annual salary of $2,500, a clerk of pardons at an annual salary of $2,000, and three clerks of the fourth class." [1]

It cannot be doubted that this provision was more than ample; for Congress, by Act of July 20, 1868, repealed so much as authorized a clerk of pardons, and also one of the three clerks of the fourth class.[2] Therefore there could be no necessity for a levy of soldiers to perform the duties of secretaries, and the conduct of the President can be explained only by the supposition that he preferred to be surrounded by Army officers rather than by civilians, continuing in the Executive Mansion the traditions of head-quarters: all which, though agreeable to him and illustrating his character, was an anomaly and a scandal.

In extenuation of this indefensible pretension, we have been reminded of two things: first, that according to the record Washington sent his first message by General Knox, — when in fact General Knox held no military office at that time, but was actually Secretary of War; and, secondly, that the military officers now occupying the Executive Mansion are detailed for this service without other salary than that of their grade. As

[1] Act of July 23, 1866: Statutes at Large, Vol. XIV. pp. 206-7.
[2] Statutes at Large, Vol. XV. p. 96.

the Knox precedent is moonshine, the minor military ring can be vindicated only as a "detail" for service in the Executive Mansion.

Here again the law shall speak. By Act of Congress of March 3, 1863, it is provided that "details to special service shall only be made with the consent of the commanding officer of forces in the field";[1] but this, it will be seen, refers to a state of war. Congress, by Act of July 16, 1866, authorized the President to "detail from the Army all the officers and agents of this Bureau" [for the Relief of Freedmen and Refugees];[2] also, by Act of July 28, 1866, to "detail" officers of the Army, not exceeding twenty at any time, "to act as president, superintendent, or professor" in certain colleges.[3] And then again, by Act of July 15, 1870, it provided that "any retired officer may, on his own application, be detailed to serve as professor in any college."[4] As there is no other statute authorizing details, this exceptional transfer of Army officers to the Executive Mansion can be maintained only on some undefined prerogative.

The Presidential pretension, which is continued to the present time, is the more unnatural when it is considered that there are at least three different statutes in which Congress has shown its purpose to limit the employment of military officers in civil service. As long ago as July 5, 1838, it was positively provided that no Army officers should be separated from their regiments and corps "for employment on civil works of internal improvement, or be allowed to engage in the service of incorporated companies"; nor any line officer to be act-

[1] Statutes at Large, Vol. XII. p. 736.
[2] Ibid., Vol. XIV. p. 174.
[3] Ibid., p. 336.
[4] Ibid., Vol. XVI. p. 320.

ing paymaster or disbursing agent for the Indian Department, "if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper."[1] Obviously the will of Congress is here declared, that officers should not be allowed to leave their posts for any service which might *interfere with the performance of the military duties proper.* This language is explicit. Then came the Act of March 30, 1868, which provides that "any officer of the Army or Navy of the United States, who shall, after the passage of this Act, accept or hold any appointment in the diplomatic or consular service of the Government, shall be considered as having resigned his said office, and the place held by him in the military or naval service shall be deemed and taken to be vacant."[2] To a considerate and circumspect President, who recognized the law in its spirit as well as its letter, this provision, especially when reinforced by the earlier statute, would have been a rule of action in analogous cases, and therefore an insurmountable obstacle to a pretension which takes Army officers from their proper duties and makes them Presidential secretaries. A later statute adds to the obstacle. By Act of Congress of July 15, 1870, it is provided: —

"That it shall not be lawful for any officer of the Army of the United States on the active list *to hold any civil office, whether by election or appointment;* and any such officer *accepting or exercising the functions of a civil office* shall at once cease to be an officer of the Army, and his commission shall be vacated thereby."[3]

[1] Statutes at Large, Vol. V. p. 260.
[2] Ibid., Vol. XV. p. 58.
[3] Ibid., Vol. XVI. p. 319.

It is difficult to imagine anything plainer than these words. No Army officer not on the retired list can hold any civil office; and then, to enforce the inhibition, it is provided that in "accepting or exercising the functions" of such office the commission is vacated. Now the Blue Book, which is our political almanac, has under the head of "Executive Mansion" a list of "secretaries" and "clerks," beginning as follows: "Secretaries, General F. T. Dent, General Horace Porter, General O. E. Babcock," when, in fact, there are no such officers authorized by law. Then follow the "Private Secretary," "Assistant Private Secretary," and "Executive Clerks," authorized by law, but placed below those unauthorized. Nothing is said of being detailed for this purpose. They are openly called "Secretaries," which is a title of office; and since it is at the Executive Mansion, it must be a civil office; and yet, in defiance of law, these Army officers continue to exercise its functions, and some of them enter the Senate with messages from the President. The apology that they are "detailed" for this service is vain; no authority can be shown for it. But how absurd to suppose that a rule against the exercise of a civil office can be evaded by a "detail"! If it may be done for three Army officers, why not for three dozen? Nay, more, if the civil office of Secretary at the Executive Mansion may be created without law, why not some other civil office? And what is to hinder the President from surrounding himself not only with secretaries, but with messengers, stewards, and personal attendants, even a body-guard, all detailed from the Army? Why may he not enlarge the military circle at the Executive Mansion indefinitely? If the President can be justified in his present course, there is no limit to

his pretensions in open violation of the statute. Here the Blue Book testifies again; for it records the names of the "secretaries" in their proper places as Army officers, — thus presenting them as holding two incompatible offices.

I dismiss this transaction as another instance of Presidential pretension, which, in the interest of Republican Government, should be arrested.

UNREPUBLICAN SUBORDINATION OF THE WAR DEPARTMENT TO THE GENERAL-IN-CHIEF.

From the Executive Mansion pass now to the War Department, and there we witness the same Presidential pretensions by which law, usage, and correct principle are lost in the will of One Man. The supremacy of the civil power over the military is typified in the Secretary of War, a civilian, from whom Army officers receive orders. But this beautiful rule, with its lesson to the military of subordination, was suddenly set aside by our President, and the Secretary of War degraded to be a clerk. The 5th of March witnessed a most important order from the President, placing the Military Departments under officers of his choice, — purporting to be signed by the Assistant Adjutant-General by command of the General of the Army, but actually ignoring the Secretary of War.[1] Three days later, March 8th, witnessed another order professing to proceed from the President, whereby in express terms the War Department was subordinated to the General-in-Chief, being William T. Sherman, who at the time was promoted to that command. Here are the words:

[1] General Orders, No. 10.

"The chiefs of staff corps, departments, and bureaus will report to and act under the immediate orders of the General commanding the Army."[1]

This act of revolution, exalting the military power above the civil, showed instant fruits in an order of the General, who, upon assuming command, proceeded to place the several bureau officers of the War Department upon his military staff,[2] so that for the time there was a military dictatorship with the President at its head, not merely in spirit but in actual form. By-and-by John A. Rawlins, a civilian by education and a respecter of the Constitution, became Secretary of War, and, though bound to the President by personal ties, he said, "Check to the King." By General Order, issued from the War Department March 26, 1869, and signed by the Secretary of War, the offensive order was rescinded, and it was enjoined that "all official business which by law or regulations requires the action of the President or Secretary of War will be submitted by the chiefs of staff corps, departments, and bureaus to the Secretary of War."[3] Public report said that this restoration of the civil power to its rightful supremacy was not obtained without an intimation of resignation on the part of the Secretary.

THE SECRETARY OF THE NAVY BY DEPUTY.

KINDRED in character was the unprecedented attempt to devolve the duties of the Navy Department upon a deputy, so that orders were to be signed "A. E. Borie, Secretary of the Navy, per D. D. Porter, Admiral," as appears in the official journal of May 11, 1869, — or,

[1] General Orders, No. 11. [2] Ibid., No. 12. [3] Ibid., No. 28.

according to another instance, "David D. Porter, Vice-Admiral, for the Secretary of the Navy." The obvious object of this illegal arrangement was to enable the incumbent, who stood high on the list of gift-makers, to be Secretary without being troubled with the business of the office. Notoriously he was an invalid, unused to public business, who, according to his own confession, modestly pleaded that he could not apply himself to work more than an hour a day; but the President soothed his anxieties by promising a deputy who would do the work. And thus was this great department made a plaything; but public opinion and other counsels arrested the sport. Here I mention, that, when this incumbent left his important post, it is understood that he was allowed to nominate his successor.

PRESIDENTIAL PRETENSION AT THE INDIAN BUREAU.

At the same time occurred the effort to absorb the Indian Bureau into the War Department, changing its character as part of the civil service. Congress had already repudiated such an attempt;[1] but the President, not disheartened by legislative failure, sought to accomplish it by manipulation and indirection. First elevating a member of his late staff to the head of the Bureau, he then, by a military order dated May 7, 1869,[2] proceeded to detail for the Indian service a long list of "officers left out of their regimental organizations by the consolidation of the infantry regiments," — assuming to do this by authority of the Act of Congress of June 30, 1834, which, after declaring the number of In-

[1] Congressional Globe, 40th Cong. 3d Sess., p. 754, Feb. 1, 1869.
[2] General Orders, No. 49.

dian agents, and how they shall be appointed, provides that "it shall be competent for the President to require any military officer of the United States to execute the duties of Indian agent."[1] Obviously this provision had reference to some exceptional exigency, and can be no authority for the general substitution of military officers, instead of civilians confirmed by the Senate and bound with sureties for the faithful discharge of their duties. And yet upward of sixty Army officers were in this way foisted into the Indian service. The Act of Congress of July 15, 1870, already quoted,[2] creating an incompatibility between military and civil service, was aimed partly at this abuse, and these officers ceased to be Indian agents. But this attempt is another illustration of Presidential pretension.

MILITARY INTERFERENCE AT ELECTIONS.

Then followed military interference in elections, and the repeated use of the military in aid of the revenue law under circumstances of doubtful legality, until at last General Halleck and General Sherman protested: the former in his report of October 24, 1870, saying, "I respectfully repeat the recommendation of my last Annual Report, that military officers should not interfere in local civil difficulties, unless called out in the manner provided by law;"[3] and the latter, in his Report of November 10, 1870, "I think the soldiers ought not to be expected to make individual arrests, or to do any act of violence, except in their organized capacity as a *posse*

[1] Statutes at Large, Vol. IV. p. 736.

[2] *Ante*, p. 135.

[3] Executive Documents, 41st Cong. 3d Sess., H. of R., No. 1, Part 2, p. 37.

comitatus duly summoned by the United States marshal, and acting in his personal presence."[1] And so this military pretension, invading civil affairs, was arrested.

PRESIDENTIAL PRETENSION AGAIN.

MEANWHILE this same Presidential usurpation, subordinating all to himself, became palpable in another form. It was said of Gustavus Adolphus, that he drilled his Diet to vote at the word of command. Such at the outset seemed to be the Presidential policy with regard to Congress. We were to vote as he desired. He did not like the Tenure-of-Office Act, and during the first month of his administration his influence was felt in both branches of Congress to secure its repeal; all of which seemed more astonishing when it was considered that he entered upon his high trust with the ostentatious avowal that all laws would be faithfully executed, whether they met his approval or not, and that he should have no policy to enforce against the will of the people.[2] That beneficent statute, which he had upheld in the impeachment of President Johnson, was a limitation on the Presidential power of appointment, and he could not brook it. Here was plain interference with his great perquisite of office, and Congress must be coerced to repeal it. The House acted promptly and passed the desired bill. In the Senate there was delay and a protracted debate, during which the official journal announced: "The President, in conversation with a prominent Senator a few days since, declared that it

[1] Executive Documents, 41st Cong. 3d Sess., H. of R., No. 1, Part 2, p. 4.

[2] Inaugural Address, March 4, 1869: Congressional Globe, 41st Cong. 1st Sess. p. 1.

was his intention not to send in any nominations of importance until definite action was taken by Congress upon the Tenure-of-Office Bill."[1]

Here I venture to add, that a member of the Cabinet pressed me to withdraw my opposition to the repeal, saying that the President felt strongly upon it. I could not understand how a Republican President could consent to weaken the limitations upon the Executive, and so I said, — adding, that in my judgment he should rather reach forth his hands and ask to have them tied. Better always a government of law than of men.

PRESIDENTIAL INTERFERENCE IN LOCAL POLITICS.

In this tyrannical spirit, and in the assumption of his central imperialism, he has interfered with political questions and party movements in distant States, reaching into Missouri, and then into New York, to dictate how the people should vote, then manipulating Louisiana through a brother-in-law appointed Collector. With him a custom-house seems less a place for the collection of revenue than an engine of political influence, through which his dictatorship may be maintained.

Authentic testimony places this tyrannical abuse beyond question. New York is the scene, and Thomas Murphy, Collector, the Presidential lieutenant. Nobody doubts the intimacy between the President and the Collector, who are bound in friendship by other ties than those of seaside neighborhood. The Collector was determined to obtain the control of the Republican State Convention, and appealed to a patriot citizen for help, who replied, that in his judgment "it would be a deli-

[1] Daily Morning Chronicle, March 17, 1869.

cate matter for office-holders to undertake to dictate to the associations in the different districts who should go from them to the State Convention, and still more delicate to attempt to control the judgments of men employed in the different departments as to the best men to represent them." The brave Collector lieutenant of the President said, "that he should not hesitate to do it; that it was General Grant's wish, and General Grant was the head of the Republican Party, and should be authority on this subject."[1] Plainly, the Republican Party was his perquisite, and all Republicans were to do his bidding. From other testimony it appears that the President, according to the statement of his lieutenant, "wanted to be represented in the Convention," being the Republican State Convention of New York, — "wanted to have his friends there in the Convention"; and the Presidential lieutenant, being none other than the famous Collector, offered to appoint four men in the custom-house for the witness, if he would secure the nomination of certain persons as delegates from his district, and he promised "that he would immediately send their names on to Washington and have them appointed."[2] And so the Presidential dictatorship was administered. Offices in the custom-house were openly bartered for votes in the State Convention. Here was intolerable tyranny, with demoralization like that of the slave-market.

But New York is not the only scene of this outrage. The Presidential pretension extends everywhere; nor is it easy to measure the arrogance of corruption or the honest indignation it quickens into life.

[1] New York Custom-House Investigation, — Testimony of Gen. G. W. Palmer: Senate Reports, 42d Cong. 2d Sess., No. 227, Vol. III. p. 581.

[2] Testimony of William Atkinson: Ibid., p. 626.

PRESIDENTIAL CONTRIVANCE AGAINST SAN DOMINGO.

THESE Presidential pretensions, in all their variety, personal and military, with reckless indifference to law, naturally ripened in the contrivance, nursed in hot-house secrecy, against the peace of the island of San Domingo: I say deliberately, against the peace of that island, for under the guise of annexing a portion there was menace to the Black Republic of Hayti. This whole business, absolutely indefensible from beginning to end, being wrong at every point, is the special and most characteristic product of the Administration, into which it infused and projected itself more than into anything else. In this multiform disobedience we behold our President. Already I have referred to this contrivance as marking an epoch in Presidential pretensions. It is my duty now to show its true character as a warning against its author.

A few weeks only after beginning his career as a civilian, and while occupied with military usurpations and the perquisites of office, he was tempted by overtures of Dominican plotters, headed by the usurper Baez and the speculator Cazneau: the first an adventurer, conspirator, and trickster, described by one who knows him well as "the worst man living of whom he has any personal knowledge";[1] and the second, one of our own countrymen, long resident on the island, known as disloyal throughout the war, and entirely kindred in character to Baez. Listening to these prompters, and without one word in Congress or in the press suggesting annexion of the island or any part of it, the President began his contrivance; and here we see abuse in every form and at every step, absolutely without precedent in our history.

[1] Private letter to Mr. Sumner, quoted in Speech of March 27, 1871: *Ante*, Vol. XIX. p. 32.

The agent in this transaction was Orville E. Babcock, a young officer figuring in the Blue Book of the time as one of the unauthorized "secretaries" at the Executive Mansion, and also as a major of engineers. His published instructions, under date of July 13, 1869, were simply to make inquiries; but the plot appears in a communication of the same date from the Secretary of the Navy, directed to the Seminole, a war-ship, with an armament of one eleven-inch gun and four thirty-two pounders, "to give him the *moral support* of its guns"; and this was followed by a telegraphic instruction to Key West for another war-ship "to proceed without a moment's delay to San Domingo City, to be placed at the disposal of General Babcock while on that coast."[1] With such "moral support" the emissary of the President obtained from the usurper Baez that famous Protocol stipulating the annexion of Dominica to the United States in consideration of $1,500,000, which the young officer, fresh from the Executive Mansion, professed to execute as "Aide-de-Camp to his Excellency General Ulysses S. Grant, President of the United States," — as if, instead of Chief Magistrate of a Republic, the President were a military chieftain with his foot in the stirrup, surrounded by a military staff. The same instrument contained the unblushing stipulation, that "his Excellency General Grant, President of the United States, promises, *privately, to use all his influence*, in order that the idea of annexing the Dominican Republic to the United States may acquire such a degree of popularity among members of Congress as will be necessary for its accomplishment":[2] which is simply that the

[1] Executive Documents, 41st Cong. 3d Sess., Senate, No. 17, p. 79; No. 45, p. 3. Senate Reports, 41st Cong. 2d Sess., No. 234, pp. 38, 39.

[2] Senate Reports, 41st Cong. 2d Sess., No. 234, p. 188.

President shall become a lobbyist to bring about the annexion by Congress. Such was the strange beginning, illegal, unconstitutional, and offensive in every particular, but showing the Presidential character.

On his return to Washington, the young officer, who had assumed to be "Aide-de-Camp to his Excellency General Ulysses S. Grant," and had bound the President to become a lobbyist for a wretched scheme, instead of being disowned and reprimanded, was sent back to the usurper with instructions to negotiate two treaties, — one for the annexion of the half-island of Dominica, and the other for the lease of the Bay of Samana.[1] By the Constitution of the United States "ambassadors and other public ministers" are appointed by the President by and with the advice and consent of the Senate; but our Aide-de-Camp had no such commission. Presidential prerogative empowered him. Nor was naval force wanting. With three war-ships at his disposal,[2] he concluded negotiations with Baez and obtained the two treaties. Naturally force was needed to keep the usurper in power while he sold his country, and naturally such a transaction required a Presidential Aide-de-Camp unknown to Constitution or Law, rather than a civilian duly appointed according to both.

PRESIDENTIAL VIOLATIONS OF CONSTITUTIONAL AND INTERNATIONAL LAW.

On other occasions it has been my solemn duty to expose the outrages which attended this hateful business, where at each step we are brought face to face with Presidential pretension: first, in the open seizure of the

[1] Executive Documents, 41st Cong. 3d Sess., Senate, No. 17., pp. 80-82.
[2] Same, No. 34, p. 9.

war powers of the Government, as if he were already Cæsar, forcibly intervening in Dominica and menacing war to Hayti, all of which is proved by the official reports of the State Department and Navy Department, being nothing less than war by kingly prerogative, in defiance of that distinctive principle of Republican Government, first embodied in our Constitution, which places the war powers under the safeguard of the legislative branch, making any attempt by the President "to declare war" an undoubted usurpation. But our President, like Gallio, cares for none of these things. The open violation of the Constitution was naturally followed by a barefaced disregard of that equality of nations which is the first principle of International Law, as the equality of men is the first principle of the Declaration of Independence; and this sacred rule was set aside in order to insult and menace Hayti, doing unto the Black Republic what we would not have that Republic do unto us, nor what we would have done to any white power. To these eminent and most painful Presidential pretensions, the first adverse to the Constitution and the second adverse to International Law, add the imprisonment of an American citizen in Dominica by the Presidential confederate, Baez, for fear of his hostility to the treaty, if he were allowed to reach New York, — all of which was known to his subordinates, Babcock and Cazneau, and doubtless to himself. What was the liberty of an American citizen compared with the Presidential prerogative? To one who had defied the Constitution, on which depends the liberty of all, and then defied International Law, on which depends the peace of the world, a single citizen immured in a distant dungeon was of small moment. But this is only an illustration.

Add now the lawless occupation of the Bay of Samana for many months after the lapse of the treaty, keeping the national flag flying there, and assuming a territorial sovereignty which did not exist. Then add the protracted support of Baez in his usurped power, to the extent of placing the national flag at his disposal, and girdling the island with our ships of war, all at immense cost, and to the neglect of other service where the Navy was needed.

This strange succession of acts, which, if established for a precedent, would overturn Constitution and Law, was followed by another class of Presidential manifestations: first, an unseemly importunity of Senators during the pendency of the treaty, visiting the Capitol as a lobbyist, and summoning them to his presence in squads, in obvious pursuance of the stipulation made by his Aide-de-Camp and never disowned by him, — being intervention in the Senate, reinforced by all the influence of the appointing power, whether by reward or menace, all of which was as unconstitutional in character as that warlike intervention on the island; and then, after debate in the Senate, when the treaty was lost on solemn vote, we were called to witness his self-willed effrontery in prosecuting the fatal error, returning to the charge in his Annual Message at the ensuing session, insisting upon his contrivance as nothing less than the means by which "our large debt abroad is ultimately to be extinguished," and gravely charging the Senate with "folly" in rejecting the treaty, — and yet, while making this astounding charge against a coördinate branch of Government, and claiming such astounding profits, he blundered geographically in describing the prize.[1]

All this diversified performance, with its various ec-

[1] Congressional Globe, 41st Cong. 3d Sess., pp. 6, 7.

centricity of effort, failed. The report of able commissioners transported to the island in an expensive warship ended in nothing. The American people rose against the undertaking and insisted upon its abandonment. By a message charged with Parthian shafts the President at length announced that he would proceed no further in this business.[1] His senatorial partisans, being a majority of the Chamber, after denouncing those who had exposed the business, arrested the discussion. In obedience to irrepressible sentiments, and according to the logic of my life, I felt it my duty to speak; but the President would not forgive me, and his peculiar representatives found me disloyal to the party which I had served so long and helped to found. Then was devotion to the President made the shibboleth of party.

WHERE WAS THE GRAND INQUEST OF THE NATION?

Such is a summary of the San Domingo business in its characteristic features. But here are transgressions in every form, — open violation of the Constitution in more than one essential requirement; open violation of International Law in more than one of its most beautiful principles; flagrant insult to the Black Republic, with menace of war; complicity with the wrongful imprisonment of an American citizen; lawless assumption of territorial sovereignty in a foreign jurisdiction; employment of the national navy to sustain a usurper, — being all acts of substance, maintained by an agent calling himself "Aide-de-Camp to Ulysses S. Grant, President of the United States," and stipulating that his chief should play the lobbyist to help the contrivance through

[1] Message, April 5, 1871: Cong. Globe, 42d Congr. 1st Sess., pp. 469–70.

Congress, then urged by private appeals to Senators, and the influence of the appointing power tyrannically employed by the Presidential lobbyist, and finally urged anew in an Annual Message, where undisguised insult to the Senate vies with absurdity in declaring prospective profits and with geographical ignorance. Such, in brief, is this multiform disobedience, where every particular is of such aggravation as to merit the most solemn judgment. Why the grand inquest of the nation, which brought Andrew Johnson to the bar of the Senate, should have slept on this conglomerate misdemeanor, every part of which was offensive beyond any technical offence charged against his predecessor, while it had a background of nepotism, gift-taking with official compensation, and various Presidential pretensions beyond all precedent, — all this will be one of the riddles of American history, to be explained only by the extent to which the One-Man Power had succeeded in subjugating the Government.

INDIGNITY TO THE AFRICAN RACE.

Let me confess, Sir, that, while at each stage I have felt this tyranny most keenly, and never doubted that it ought to be arrested by impeachment, my feelings have been most stirred by the outrage to Hayti, which, besides being a wrong to the Black Republic, was an insult to the colored race, not only abroad, but here at home. How a Chief Magistrate with four millions of colored fellow-citizens could have done this thing passes comprehension. Did he suppose it would not be known? Did he imagine it could be hushed in official pigeonholes? Or was he insensible to the true character of

his own conduct? The facts are indisputable. For more than two generations Hayti had been independent, entitled under International Law to equality among nations, and since Emancipation in our country commended to us as an example of self-government, being the first in the history of the African race and the promise of the future. And yet our President, in his effort to secure that Naboth's Vineyard on which he had set his eyes, not content with maintaining the usurper Baez in power, occupying the harbors of Dominica with war-ships, sent other war-ships, being none other than our most powerful monitor, the Dictator, with the frigate Severn as consort, and with yet other monitors in their train, to strike at the independence of the Black Republic, and to menace it with war. Do I err in any way, am I not entirely right, when I say that here was unpardonable outrage to the African race? As one who for years has stood by the side of this much-oppressed people, sympathizing always in their woes and struggling for them, I felt the blow which the President dealt, and it became the more intolerable from the heartless attempts to defend it. Alas, that our President should be willing to wield the giant strength of the Great Republic in trampling upon the representative government of the African race! Alas, that he did not see the infinite debt of friendship, kindness, and protection due to that people, so that instead of monitors and war-ships, breathing violence, he had sent a messenger of peace and good-will!

This outrage was followed by an incident in which the same sentiments were revealed. Frederick Douglass, remarkable for his intelligence as for his eloquence, and always agreeable in personal relations, whose only offence is a skin not entirely Caucasian, was selected by

the President to accompany the Commissioners to San Domingo,—and yet on his return, and almost within sight of the Executive Mansion, he was repelled from the common table of the mail-steamer on the Potomac, where his companions were already seated; and thus through him was the African race insulted and their equal rights denied. But the President, whose commission he had borne, neither did nor said anything to right this wrong, and a few days later, when entertaining the Commissioners at the Executive Mansion, actually forgot the colored orator whose services he had sought.[1] But this indignity is in unison with the rest. After insulting the Black Republic, it is easy to see how natural it was to treat with insensibility the representative of the African race.

ALL THESE THINGS IN ISSUE NOW.

Here I stay this painful catalogue in its various heads, beginning with nepotism and gift-taking with repayment by office, and ending in the contrivance against San Domingo with indignity to the African race,—not because it is complete, but because it is enough. With sorrow unspeakable have I made this exposure of pretensions, which, for the sake of republican institutions, every good citizen should wish expunged from history; but I had no alternative. The President himself insists upon putting them in issue; he will not allow them to be forgotten. As a candidate for reëlection he invites judgment, while partisans acting in his behalf make it absolutely necessary by the brutality of their assault on faithful Republicans unwilling to see their party, like

[1] See Letter to Hon. Andrew D. White, *post*, p. 205.

the Presidential office, a personal perquisite. If his partisans are exacting, vindictive, and unjust, they act only in harmony with his nature, too truly represented in them. There is not a ring, whether military or senatorial, that does not derive its distinctive character from himself. Therefore, what they do and what they say must be considered as done and said by the chieftain they serve. And here is a new manifestation of that sovereign egotism which no taciturnity can cover up, and a new motive for inquiry into its pernicious influence.

THE GREAT PRESIDENTIAL QUARRELLER.

ANY presentment of the President would be imperfect which did not show how this ungovernable personality breaks forth in quarrel, making him the great Presidential quarreller of our history. As in nepotism, gift-taking with repayment by office, and Presidential pretensions generally, here again he is foremost, having quarrelled not only more than any other President, but more than all others together, from George Washington to himself. His own Cabinet, the Senate, the House of Representatives, the diplomatic service, and the civil service generally, all have their victims, nearly every one of whom, besides serving the Republican Party, had helped to make him President. Nor have Army officers, his companions in the field, or even his generous patrons, been exempt. To him a quarrel is not only a constant necessity, but a perquisite of office. To nurse a quarrel, like tending a horse, is in his list of Presidential duties. How idle must he be, should the words of Shakespeare be fulfilled, "This day all quarrels die"![1]

[1] Titus Andronicus, Act I. Sc. 2.

To him may be applied those other words of Shakespeare, "As quarrellous as the weasel."[1]

Evidently our President has never read the Eleventh Commandment: "A President of the United States shall never quarrel." At least he lives in perpetual violation of it, listening to stories from horse-cars, gobbling the gossip of his military ring, discoursing on imaginary griefs, and nursing an unjust anger. The elect of forty millions of people has no right to quarrel with anybody. His position is too exalted. He cannot do it without offence to the requirements of patriotism, without a shock to the decencies of life, without a jar to the harmony of the universe. If lesson were needed for his conduct, he might find it in that king of France who on ascending the throne made haste to declare that he did not remember injuries received as Dauphin.[2] Perhaps a better model still would be Tancred, the acknowledged type of the perfect Christian knight, who "disdained to speak ill of whoever it might be, even when ill had been spoken of himself."[3] Our soldier President could not err in following this knightly example. If this were too much, then at least might we hope that he would consent to limit the sphere of his quarrelsome operations so that the public service might not be disturbed. Of this be assured, — in every quarrel he is the offender, according to the fact, as according to every reasonable presumption; especially is he responsible for its continuance. The President can always choose his relations with any citizen. But he chooses discord. With the arrogance

[1] Cymbeline, Act III. Sc. 4.

[2] "Le roi de France ne venge pas les injures du duc d'Orléans." Louis XII. — Fournier, L'Esprit dans l'Histoire, (Paris, 1860,) p. 121.

[3] Raoul de Caën, Faits et Gestes du Prince Tancrède: Guizot, Mémoires relatifs à l'Histoire de France, Tom. XXIII. p. 6.

of arms he resents any impediment in his path, — as when, in the spring of 1870, without allusion to himself, I felt it my duty to oppose his San Domingo contrivance. The verse of Juvenal, as translated by Dryden, describes his conduct: —

> "Poor me he fights, — if that be fighting where
> He only cudgels and I only bear.
> . . . . .
> Answer or answer not, 't is all the same,
> He lays me on and makes me bear the blame." [1]

Another scholarly translator gives to this description of the Presidential quarrel another form, which is also applicable: —

> "If that be deemed a quarrel, where, Heaven knows,
> He only gives and I receive the blows;
> Across my path he strides and bids me Stand! —
> I bow obsequious to the dread command." [2]

If the latter verse is not entirely true in my case, something must be pardoned to that Liberty in which I was born.

Men take their places in history according to their deeds. The flattery of life is then superseded by the truthful record, and rulers do not escape judgment. Louis the Tenth of France has the designation of *Le Hutin*, or "The Quarreller," by which he is known in the long line of French kings. And so in the long line of American Chief-Magistrates has our President vindicated for himself the same title. He must wear it. The French monarch was younger than our President; but there are other points in his life which are not without parallel. According to a contemporary chronicle, he

[1] Third Satire of Juvenal, 454–55, 468–69: Dryden's Works, ed. Scott, Vol. XIII. p. 146.

[2] Gifford, (2d edit., London, 1806,) 407–10.

was "well disposed, but not very attentive to the needs of the kingdom";[1] and then again it was his rare fortune to sign one of the greatest ordinances of French history, declaring that "according to the Law of Nature every one must be born free";[2] but the Quarreller was in no respect author of this illustrious act, and was moved to its adoption by considerations of personal advantage. It will be for impartial History to determine if our Quarreller, who treated his great office as a personal perquisite, and all his life long was against that Enfranchisement to which he put his name, does not fall into the same category.

DUTY OF THE REPUBLICAN PARTY.

And now the question of Duty is distinctly presented to the Republican Party. I like that word. It is at the mandate of Duty that we must act. Do the Presidential pretensions merit the sanction of the party? Can Republicans, without departing from all obligations, whether of party or patriotism, recognize our ambitious Cæsar as a proper representative? Can we take the fearful responsibility of his prolonged empire? I put these questions solemnly, as a member of the Republican Party, with all the earnestness of a life devoted to the triumph of this party, but which I served always with the conviction that I gave up nothing that was

[1] "Larges estoit et volentis,
Mès n'estoit pas bien ententis,
En ce que ou royaume failloit,
Si comme reson li bailloit."
Godefroy de Paris, *Chronique Métrique*, 8047–50.

[2] "Selon le droit de nature chacun doit naître franc." — *Ord.* 3 *Juillet*, 1315: Ordonances des Roys de France de la troisième Race, Tom. I. p. 583. Sismondi, Histoire des Français, Tom. IX. pp. 321–22.

meant for country or mankind. With me, the party was country and mankind; but with the adoption of all these Presidential pretensions the party loses its distinctive character and drops from its sphere. Its creed ceases to be Republicanism and becomes Grantism; its members cease to be Republicans and become Grant-men. It is no longer a *political* party, but a *personal* party. For myself, I say openly, I am no man's *man*, nor do I belong to any personal party.

ONE TERM FOR PRESIDENT.

THE attempt to change the character of the Republican Party begins by assault on the principle of One Term for President. Therefore must our support of this requirement be made manifest; and here we have the testimony of our President, and what is stronger, his example, showing the necessity of such limitation. Authentic report attests that before his nomination he declared that "the liberties of the country cannot be maintained without a One-Term Amendment of the Constitution." At this time Mr. Wade was pressing this very Amendment. Then after his nomination, and while his election was pending, the organ of the Republican Party at Washington, where he resided, commended him constantly as faithful to the principle. The "Morning Chronicle" of June 3, 1868, after the canvass had commenced, proclaimed of the candidate, —

"*He is, moreover, an advocate of the One-Term principle*, as conducing toward the proper administration of the law, — a principle with which so many prominent Republicans have identified themselves that it may be accepted as an article of party faith."

Then again, July 14th, the same organ insisted, —

"Let not Congress adjourn without passing the One-Term Amendment to the Constitution. There has never been so favorable an opportunity. All parties are in favor of it. . . . . *General Grant is in favor of it.* The party which supports General Grant demands it; and above all else public morality calls for it."

Considering that these pledges were made by an organ of the party, and in his very presence, they may be accepted as proceeding from him. His name must be added to the list with Andrew Jackson, William Henry Harrison, Henry Clay, and Benjamin F. Wade, all of whom are enrolled against the reëligibility of a President.

But his example as President is more than his testimony in showing the necessity of this limitation. Andrew Jackson did not hesitate to say that it was required in order to place the President "beyond the reach of any improper influences," and "uncommitted to any other course than the strict line of constitutional duty."[1] William Henry Harrison followed in declaring that with the adoption of this principle "the incumbent would devote all his time to the public interest, and there would be no cause to misrule the country."[2] Henry Clay was satisfied, after much observation and reflection, "that too much of the time, the thoughts, and the exertions of the incumbent are occupied during his first term in securing his reëlection."[3] Benjamin F. Wade, after denouncing

[1] Annual Message, 21st Cong. 2d Sess., December 7, 1830.

[2] Speech at the Dayton Convention, September 10, 1840: Niles's Register, Vol. LIX. p. 70.

[3] Speech at Taylorsville, Hanover County, Va., June 27, 1840: Works, Vol. VI. p. 421.

the reëligibility of the President, said: "There are defects in the Constitution, and this is among the most glaring." [1]

And now our President by his example, besides his testimony, vindicates all these authorities. He makes us see how all that has been predicted of Presidents seeking reëlection is fulfilled: how this desire dominates official conduct; how naturally the resources of the Government are employed to serve a personal purpose; how the national interests are subordinate to individual advancement; how all questions, foreign or domestic, whether of treaties or laws, are handled with a view to electoral votes; how the appointing power lends itself to a selfish will, acting now by the temptation of office and then by the menace of removal; and, since every office-holder and every office-seeker has a brevet commission in the predominant political party, how the President, desiring reëlection, becomes the active head of three coöperating armies,—the army of office-holders, eighty thousand strong, the larger army of office-seekers, and the army of the political party, the whole constituting a consolidated power which no candidate can possess without peril to his country. Of these vast coöperating armies the President is commander-in-chief and generalissimo. Through these he holds in submission even Representatives and Senators, and makes the country his vassal with a condition not unlike that of martial law, where the disobedient are shot, while the various rings help secure the prize. That this is not too strong appears from testimony before a Senate Committee, where a Presidential lieutenant boldly denounced

[1] Speech in the Senate, February 20, 1866: Congressional Globe, 39th Cong. 1st Sess., p. 932.

an eminent New York citizen, who was a prominent candidate for Governor, as "obnoxious to General Grant," — and then, with an effrontery like the Presidential pretension, announced that "President Grant was the representative and head of the Republican Party, and all good Republicans should support him in all his measures and appointments, and any one who did not do it should be *crushed out*."[1] Such things teach how wise were those statesmen who would not subject the President to the temptation or even the suspicion of using his vast powers in promoting personal ends.

Unquestionably the One-Man Power has increased latterly beyond example, — owing partly to the greater facilities of intercourse, especially by telegraph, so that the whole country is easily reached, — partly to improvements in organization, by which distant places are brought into unity, — and partly through the protracted prevalence of the military spirit created by the war. There was a time in English history when the House of Commons, on the motion of the famous lawyer Mr. Dunning, adopted the resolution, "That the influence of the Crown has increased, is increasing, and ought to be diminished."[2] The same declaration is needed with regard to the President; and the very words of the Parliamentary patriot may be repeated. In his memorable speech, Mr. Dunning, after saying that he did not rest "upon proof idle to require," declared that the question "must be decided by the consciences of those who as a jury were called upon to determine what was or

[1] New York Custom-House Investigation, — Testimony of Gen. G. W. Palmer: Senate Reports, 42d Cong. 2d Sess., No. 227, Vol. III., pp. 581, 582.

[2] Hansard, Parliamentary History, Vol. XXI. col. 247, 267, — April 6, 1780.

was not within their own knowledge."[1] It was on ground of notoriety cognizable to all that he acted. And precisely on this ground, but also with specific proofs, do I insist that the influence of the President has increased, is increasing, and ought to be diminished. But in this excellent work, well worthy the best efforts of all, nothing is more important than the limitation to one term.

There is a demand for reform in the civil service, and the President formally adopts this demand; but he neglects the first step, which depends only on himself. From this we may judge his little earnestness in the cause. Beyond all question Civil-Service Reform must begin by a limitation of the President to one term, so that the temptation to use the appointing power for personal ends may disappear from our system, and this great disturbing force cease to exist. If the President is sincere for reform, it will be easy for him to set the example by declaring again his adhesion to the One-Term principle. But even if he fails, we must do our duty.

Therefore, in opposing the prolonged power of the present incumbent, I begin by insisting, that, for the good of the country, and without reference to any personal failure, no President should be a candidate for reëlection; and it is our duty now to set an example worthy of republican institutions. In the name of the One-Term principle, once recognized by him, and which needs no other evidence of its necessity than his own Presidency, I protest against his attempt to obtain another lease of power. But this protest is on the threshold.

[1] Hansard, Parliamentary History, Vol. XXI., col. 247.

HIS UNFITNESS FOR THE PRESIDENTIAL OFFICE.

I PROTEST against him as radically unfit for the Presidential office, being essentially military in nature, without experience in civil life, without aptitude for civil duties, and without knowledge of republican institutions, — all of which is perfectly apparent, unless we are ready to assume that the matters and things set forth to-day are of no account, and then, in further support of the candidate, boldly declare that nepotism in a President is nothing, that gift-taking with repayment in official patronage is nothing, that violation of the Constitution and of International and Municipal Law is nothing, that indignity to the African race is nothing, that quarrel with political associates is nothing, and that all his Presidential pretensions in their motley aggregation, being a new Cæsarism or personal government, are nothing. But if these are all nothing, then is the Republican Party nothing, nor is there any safeguard for Republican Institutions.

APOLOGIES FOR THE PRESIDENT.

TWO apologies I hear. The first is that he means well, and errs from want of knowledge. This is not much. It was said of Louis the Quarreller, that he meant well; nor is there a slate head-stone in any village burial-ground that does not record as much of the humble lodger beneath. Something more is needed for a President. Nor can we afford to perpetuate power in a ruler who errs so much from ignorance. Charity for the past I concede, but no investiture for the future.

The other apology is, that his Presidency has been

successful. How? When? Where? Not to him can be attributed that general prosperity which is the natural outgrowth of our people and country; for his contribution is not traced in the abounding result. Our golden fields, productive mines, busy industry, diversified commerce, owe nothing to him. Show, then, his success. Is it in the finances? The national debt has been reduced, but not to so large an amount as by Andrew Johnson in the same space of time. Little merit is due to either, for each employed the means allowed by Congress. To the American people is this reduction due, and not to any President. And while our President in this respect is no better than his predecessor, he can claim no merit for any systematic effort to reduce taxation or restore specie payments. Perhaps, then, it is in foreign relations that he claims the laurels he is to wear. Knowing something of these from careful study and years of practical acquaintance, I am bound to say that never before has their management been so wanting in ability and so absolutely without character. With so much pretension and so little knowledge, how could it be otherwise? Here the President touches nothing which he does not muddle. In every direction is muddle, — muddle with Spain, muddle with Cuba, muddle with the Black Republic, muddle with distant Corea, muddle with Venezuela, muddle with Russia, muddle with England, — on all sides one diversified muddle. If there is not muddle with Germany and France, it must be from their forbearance. To this condition are we reduced. When before in our history have we reached any such bathos as that to which we have been carried in our questions with England? Are these the laurels for a Presidential candidate?

But where else shall we look for them? Are they found on the Indian frontier? Let the cry of massacre and blood from that distant region answer. Are they in reform of the civil service? But here the initial point is the limitation of the President to one term, so that he may be placed above temptation; yet this he opposes. Evidently he is no true reformer. Are these laurels found in the administration of the Departments? Let the discreditable sale of arms to France in violation of neutral duties and of municipal statute be the answer; and let the custom-houses of New York and New Orleans, with their tales of favoritism and of nepotism, and with their prostitution as agencies, mercenary and political, echo back the answer; while senatorial committees, organized contrary to a cardinal principle of Parliamentary Law as a cover to these scandals, testify also. And again, let the War Department recall the disappearance of important archives bearing on an important event of the war, so that empty boxes remain like a coffin without a corpse. Where, then, are the laurels? At last I find them, fresh and brilliant, in the harmony which the President has preserved among Republicans. Harmony, do I say? This should have been his congenial task; nor would any aid or homage of mine have been wanting. But instead he has organized discord, operating through a succession of rings, and for laurels we find only weeds and thistles.

But I hear that he is successful in the States once in rebellion. Strange that this should be said while we are harrowed by the reports of Ku-Klux outrages. Here, as in paying the national debt, Congress has been the effective power. Even the last extraordinary measure became necessary, in my judgment, to supplement

his little efficiency. Had the President put into the protection of the colored people at the South half the effort and earnest will with which he maintained his San Domingo contrivance, the murderous Ku-Klux would have been driven from the field and peace assured. Nor has he ever exhibited to the colored people any true sympathy. His conduct to Frederick Douglass on his return from San Domingo is an illustration; and so also was his answer to the committee of colored fellow-citizens seeking his countenance for the pending measure of Civil Rights. Some thought him indifferent; others found him insulting. Then came his recent letter to the great meeting at Washington, May 9, 1872, called to assert these rights, where he could say nothing more than this: "I beg to assure you, however, that I sympathize most cordially in any effort to secure for all our people, of whatever race, nativity, or color, *the exercise of those rights to which every citizen should be entitled.*"[1] Of course everybody is in favor of "the rights to which every citizen should be entitled." But what are these rights? And this meaningless juggle of words, entirely worthy of the days of Slavery, is all that is vouchsafed by a Republican President for the equal rights of his colored fellow-citizens.

I dismiss the apologies with the conclusion, that in the matters to which they invite attention his Presidency is an enormous failure.

THE PRESIDENT AS CANDIDATE.

Looking at his daily life as it becomes known through the press or conversation, his chief employment seems

[1] Daily Morning Chronicle, May 10, 1872.

the dispensation of patronage, unless society is an employment. For this he is visited daily by Senators and Representatives bringing distant constituents. The Executive Mansion has become that famous "Treasury trough" described so well by an early Congressional orator: —

"Such running, such jostling, such wriggling, such clambering over one another's backs, such squealing, because the tub is so narrow and the company is so crowded." [1]

To sit behind is the Presidential occupation, watching and feeding the animals. If this were an amusement only, it might be pardoned; but it must be seen in a more serious light. Some nations are governed by the sword, — in other words, by central force commanding obedience. Our President governs by offices, — in other words, by the appointing power, being a central force by which he coerces obedience to his personal will. Let a Senator or Representative hesitate in the support of his autocracy, or doubt if he merits a second term, and forthwith some distant consul or postmaster, appointed by his influence, begins to tremble. The "Head Centre" makes himself felt to the most distant circumference. Can such tyranny, where the military spirit of our President finds a congenial field, be permitted to endure?

In adopting him as a candidate for reëlection we undertake to vindicate his Presidency, and adopt in all things the insulting, incapable, aide-de-campish dictatorship which he has inaugurated. Presenting his name, we vouch for his fitness, not only in original nature, but in experience of civil life, in aptitude for civil duties, in knowledge of republican institutions, and elevation of

[1] Josiah Quincy, Speech in the House of Representatives, January 30, 1811: Annals of Congress, 11th Cong. 3d Sess., col. 851.

purpose; and we must be ready to defend openly what he has openly done. Can Republicans honestly do this thing? Let it be said that he is not only the greatest nepotist among Presidents, but greater than all others together, and what Republican can reply? Let it be said that he is not only the greatest gift-taker among Presidents, but the only one who repaid his patrons at the public expense, and what Republican can reply? Let it be said that he has openly violated the Constitution and International Law, in the prosecution of a wretched contrivance against the peace of San Domingo, and what Republican can reply? Let it be said, that, wielding the power of the Great Republic, he has insulted the Black Republic with a menace of war, involving indignity to the African Race, and what Republican can reply? Let it be said that he has set up Presidential pretensions without number, constituting an undoubted Cæsarism or personal government, and what Republican can reply? And let it be added, that, unconscious of all this misrule, he quarrels without cause even with political supporters, and on such a scale as to become the greatest Presidential quarreller of our history, quarrelling more than all other Presidents together, and what Republican can reply? It will not be enough to say that he was triumphant in war, — as Scipio, the victor of Hannibal, reminded the Roman people that on this day he conquered at Zama.[1] Others have been triumphant in war and failed in civil life, — as Marlborough, whose heroic victories seemed unaccountable, in the frivolity, the ignorance, and the heartlessness of his pretended statesmanship. To Washington was awarded that rarest tribute, "First in war, first in peace, and first

[1] Livy, XXXVIII. 51.

in the hearts of his countrymen."[1] Of our President it will be said willingly, "first in war," but the candid historian will add, "first in nepotism, first in gift-taking and repaying by official patronage, first in Presidential pretensions, and first in quarrel with his countrymen."

Anxiously, earnestly, the country asks for reform, and stands tiptoe to greet the coming. But how expect reform from a President who needs it so much himself? Who shall reform the reformer? So also does the country ask for purity. But is it not vain to seek this boon from one whose Presidential pretensions are so demoralizing? Who shall purify the purifier? The country asks for reform in the civil service. But how expect any such change from one who will not allow the Presidential office to be secured against its worst temptation? The country desires an example for the youth of the land, where intelligence shall blend with character, and both be elevated by a constant sense of duty with unselfish devotion to the public weal. But how accord this place to a President who makes his great office a plaything and perquisite, while his highest industry is in quarrelling? Since Sancho Panza at Barataria, no Governor has provided so well for his relations at the expense of his country; and if any other has made Cabinet appointments the return for personal favors, his name has dropped out of history. A man is known by his acts; so also by the company he keeps. And is not our President known by his intimacy with those who are by-words of distrust? But all these by-words look to another term for perpetuation of their power. Therefore, for the sake of reform and purity, which are a long-

[1] General Henry Lee, Oration before the Two Houses of Congress on the Death of Washington, December 26, 1799: Annals of Congress, 6th Cong., App., col. 1310.

ing of the people, and also that the Chief Magistrate may be an example, we must seek a remedy.

See for one moment how pernicious must be the Presidential example. First in place, his personal influence is far-reaching beyond that of any other citizen. What he does others will do. What he fails to do others will fail to do. His standard of conduct will be accepted at least by his political supporters. His measure of industry and his sense of duty will be the pattern for the country. If he appoints relations to office and repays gifts by official patronage, making his Presidency a great "gift-enterprise," may not every office-holder do likewise, each in his sphere, so that nepotism and gift-taking with official remuneration will be general, and gift-enterprises be multiplied indefinitely in the public service? If he treats his trust as plaything and perquisite, why may not every office-holder do the same? If he disregards Constitution and Law in the pursuit of personal objects, how can we expect a just subordination from others? If he sets up pretensions without number repugnant to republican institutions, must not the good cause suffer? If he is stubborn, obstinate, and perverse, are not stubbornness, obstinacy, and perversity commended for imitation? If he insults and wrongs associates in official trust, who is safe from the malignant influence having its propulsion from the Executive Mansion? If he fraternizes with jobbers and Hessians, where is the limit to the demoralization that must ensue? Necessarily the public service takes its character from its elected chief, and the whole country reflects the President. His example is a law. But a bad example must be corrected as a bad law.

To the Republican Party, devoted to ideas and prin-

ciples, I turn now with more than ordinary solicitude. Not willingly can I see it sacrificed. Not without earnest effort against the betrayal can I suffer its ideas and principles to be lost in the personal pretensions of one man. Both the old parties are in a crisis, with this difference between the two: the Democracy is dissolving, the Republican party is being absorbed; the Democracy is falling apart, thus visibly losing its vital unity, — the Republican Party is submitting to a personal influence, thus visibly losing its vital character; the Democracy is ceasing to exist, the Republican Party is losing its identity. Let the process be completed, and it will be no longer that Republican Party which I helped to found and have always served, but only a personal party, — while instead of those ideas and principles which we have been so proud to uphold will be Presidential pretensions, and instead of Republicanism there will be nothing but Grantism.

Political parties are losing their sway. Higher than party are country and the duty to save it from Cæsar. The Caucus is at last understood as a political engine moved by wire-pullers, and it becomes more insupportable in proportion as directed to personal ends. Nor is its character changed when called a National Convention. Here, too, are wire-pullers; and when the great Office-Holder and the great Office-Seeker are one and the same, it is easy to see how naturally the engine responds to the central touch. A political convention is an agency and convenience, but never a law, least of all a despotism; and when it seeks to impose a candidate whose name is a synonym of pretensions unrepublican in character and hostile to good government, it will be for earnest Republicans to consider well how clearly

party is subordinate to country. Such a nomination can have no just obligation. Therefore with unspeakable interest will the country watch the National Convention at Philadelphia. It may be an assembly (and such is my hope) where ideas and principles are above all personal pretensions, and the unity of the party is symbolized in the candidate; or it may add another to Presidential rings, being an expansion of the military ring at the Executive Mansion, the senatorial ring in this Chamber, and the political ring in the custom-houses of New York and New Orleans. A National Convention which is a Presidential ring cannot represent the Republican Party.

Much rather would I see the party to which I am dedicated, under the image of a life-boat not to be sunk by wind or wave. How often have I said this to cheer my comrades! I do not fear the Democratic Party. Nothing from them can harm our life-boat. But I do fear a quarrelsome pilot, unused to the sea, but pretentious in command, who occupies himself in loading aboard his own unserviceable relations and personal patrons, while he drives away the experienced seamen who know the craft and her voyage. Here is a peril which no life-boat can stand.

Meanwhile I wait the determination of the National Convention, where are delegates from my own much-honored Commonwealth with whom I rejoice to act. Not without anxiety do I wait, but with the earnest hope that the Convention will bring the Republican Party into ancient harmony, saving it especially from the suicidal folly of an issue on the personal pretensions of one man.

INTEREST AND DUTY OF COLORED CITIZENS IN THE PRESIDENTIAL ELECTION.

LETTER TO COLORED CITIZENS, JULY 29, 1872.

I will say to the North, Give up; and to the South, Keep not back. — ISAIAH, xliii. 6.

THE immediate occasion of the present Letter appears in the following, from colored citizens of Washington to Mr. Sumner: —

WASHINGTON, D. C., July 11, 1872.

SIR, — We, the undersigned, citizens of color, regarding you as the purest and best friend of our race, admiring your consistent course in the United States Senate and elsewhere as the special advocate of our rights, and believing that your counsel at this critical juncture in the period of our citizenship would be free from personal feeling and partisan prejudice, have ventured to request your opinion as to what action the colored voters of the nation should take in the Presidential contest now pending.

The choice of our people is now narrowed down to General Grant or Horace Greeley. Your long acquaintance with both and your observation have enabled you to arrive at a correct conclusion as to which of the candidates, judging from their antecedents as well as their present position, will, if elected, enforce the requirements of the Constitution and the laws respecting our civil and political rights with the most heart-felt sympathy and the greatest vigor.

We hope and trust you will favor us with such reply as will serve to enlighten our minds upon this subject and impel our people to go forward in the right direction. Our confidence in your judgment is so firm, that, in our opinion, thousands of the intelligent colored voters of the country will be guided in their action by your statement and advice.

Hoping to receive a reply soon, we have the honor to be,

With great respect,

Your obedient servants,

A. T. AUGUSTA, M. D.	SAMUEL PROCTOR.
DAVID FISHER, sr.	J. J. KETCHUM.
JNO. H. SMITH.	CHAS. N. THOMAS.
EDWARD CRUSOR.	WM. H. SHORTER.
WM. H. A. WORMLEY.	HENRY HILL.
WILLIAM P. WILSON.	FURMAN J. SHADD.
R. W. TOMPKINS.	GEO. D. JOHNSON.
JOHN H. BROWN.	CHRIS. A. FLEETWOOD.
HENRY LACY.	CHAS. F. BRUCE.
W. H. BELL.	DAVID FISHER, jr.
J. L. N. BOWEN.	DAVID KING.
JACOB DE WITTER.	WM. POLKENY.

HON. CHARLES SUMNER.

LETTER.

WASHINGTON, July 29, 1872.

GENTLEMEN AND FELLOW-CITIZENS: —

IF I have delayed answering your communication of July 11th, which was duly placed in my hands by your committee, it was not because the proper course for you seemed doubtful, but because I wished to reflect upon it and be aided by information which time might supply. Since then I have carefully considered the inquiries addressed to me, and have listened to much on both sides; but my best judgment now is in harmony with my early conclusion.

I am touched by the appeal you make. It is true that I am the friend of your race, and I am glad to be assured that in your opinion I have held a consistent course in the Senate and elsewhere as the special advocate of your rights. That course, by the blessing of God, I mean to hold so long as life lasts. I know your infinite wrongs, and feel for them as my own. You only do me simple justice, when you add a belief that my counsel at this critical juncture of your citizenship "would be free from personal feelings and partisan prejudice." In answering your inquiries I can have no sentiment except for your good, which I most anxiously

seek; nor can any disturbing influence be allowed to interfere. The occasion is too solemn. Especially is there no room for personal feeling or for partisan prejudice. No man or party can expect power except for the general welfare. Therefore they must be brought to the standard of truth, which is without feeling or prejudice.

QUESTIONS PROPOSED.

You are right in saying that the choice for the Presidency is now "narrowed down" to President Grant or Horace Greeley. One of these is to be taken, and, assuming my acquaintance with both and my observation of their lives, you invite my judgment between them, asking me especially which of the two, "*judging from their antecedents as well as present position,*" would enforce the Constitution and laws securing your civil and political rights "with *the most heart-felt sympathy and the greatest vigor.*" Here I remark that in this inquiry you naturally put your rights in the foreground. So do I,— believing most sincerely that the best interests of the whole country are associated with the completest recognition of your rights, so that the two races shall live together in unbroken harmony. I also remark that you call attention to two things, — the "antecedents" of the candidates, and their "present position." You wish to know from these which gives assurance of the most heart-felt sympathy and greatest vigor in the maintenance of your rights, — in other words, which, judging by the past, will be your truest friend.

The communication with which you have honored me is not alone. Colored fellow-citizens in other parts of the country, I may say in nearly every State of the

Union, have made a similar request, and some complain that I have thus far kept silent. I am not insensible to the trust reposed in me. But if my opinion is given, it must be candidly, according to my conscience. In this spirit I answer your inquiries, beginning with the antecedents of the two candidates.

ANTECEDENTS OF THE CANDIDATES.

Horace Greeley was born to poverty and educated himself in a printing-office. President Grant, fortunate in early patronage, became a cadet at West Point and was educated at the public expense. One started with nothing but industry and character; the other started with a military commission. One was trained as a civilian; the other as a soldier. Horace Greeley stood forth as a Reformer and Abolitionist. President Grant enlisted as a Proslavery Democrat, and, at the election of James Buchanan, fortified by his vote all the pretensions of Slavery, including the Dred Scott decision. Horace Greeley from early life was earnest and constant against Slavery, full of sympathy with the colored race, and always foremost in the great battle for their rights. President Grant, except as a soldier summoned by the terrible accident of war, never did anything against Slavery, nor has he at any time shown any sympathy with the colored race, but rather indifference, if not aversion. Horace Greeley earnestly desired that colored citizens should vote, and ably championed impartial suffrage; but President Grant was on the other side.

Beyond these contrasts, which are marked, it cannot be forgotten that Horace Greeley is a person of large heart and large understanding, trained to the support of

Human Rights, always beneficent to the poor, always ready for any good cause, and never deterred by opposition or reproach, as when for long years he befriended your people. Add to these qualities, conspicuous in his life, untiring industry which leaves no moment without its fruit, abundant political knowledge, acquaintance with history, the instinct and grasp of statesmanship, an amiable nature, a magnanimous soul, and above all an honesty which no suspicion has touched, — and you have a brief portraiture where are antecedents of Horace Greeley.

Few of these things appear in the President. His great success in war, and the honors he has won, cannot change the record of his conduct toward your people, especially in contrast with the life-time fidelity of his competitor, while there are unhappy "antecedents" showing that in the prosecution of his plans he cares nothing for the colored race. The story is painful; but it must be told.

GRANT'S INDIGNITY TO THE COLORED RACE.

I REFER to the outrage he perpetrated upon Hayti, with its six hundred thousand blacks engaged in the great experiment of self-government. Here is a most instructive "antecedent," revealing beyond question his true nature, and the whole is attested by documentary evidence. Conceiving the idea of annexing Dominica, which is the Spanish part of the island, and shrinking at nothing, he began by seizing the war powers of the Government, in flagrant violation of the Constitution, and then, at great expenditure of money, sent several armed ships of the Navy, including monitors, to main-

tain the usurper Baez in power, that through him he might obtain the coveted prize. Not content with this audacious dictatorship, he proceeded to strike at the independence of the Black Republic by open menace of war, and all without the sanction of Congress, to which is committed the power to make war. Sailing into the harbor of Port-au-Prince with our most powerful monitor, the Dictator, (properly named for this service,) also the frigate Severn as consort, and other monitors in their train, the Admiral, acting under instructions from Washington, proceeded to the Executive Mansion accompanied by officers of his squadron, and then, pointing to the great war-ships in sight from the windows, dealt his unjust menace, threatening to sink or capture Haytian ships. The President was black, not white. The Admiral would have done no such thing to any white ruler, nor would our country have tolerated such menace from any Government in the world. Here was indignity not only to the Black Republic with its population of six hundred thousand, but to the African race everywhere, and especially in our own country. Nor did it end here. For months the Navy of the United States was kept hovering on the coast, holding that insulted people in constant dread and anxiety, while President Grant was to them like a hawk sailing in the air, ready to swoop upon his prey.

FALSE IMPRISONMENT OF AN AMERICAN CITIZEN.

THIS heartless, cruel proceeding found a victim among our white fellow-citizens. An excellent merchant of Connecticut, praised by all who know him, was plunged into prison by Baez, where he was immured because it

was feared that on his return to New York he would expose the frauds of the plotters; and this captivity was prolonged with the connivance of two agents of the President, one of whom finds constant favor with him and is part of the military ring immediately about him. That such an outrage could go unpunished shows the little regard of the President for human rights, whether in white or black.

HARD TO BEAR THESE OUTRAGES.

I CONFESS my trials, as I was called to witness these things. Always a supporter of the Administration, and sincerely desiring to labor with it, I had never uttered a word with regard to it except in kindness. My early opposition to the Treaty of Annexion was reserved, so that for some time my opinions were unknown. It was only when I saw the breach of all law, human and divine, that I was aroused; and then began the anger of the President and of his rings, military and senatorial. Devoted to the African race, I felt for them, — besides being humbled that the Great Republic, acting through its President, could set such an example, where the National Constitution, International Law, and Humanity were all sacrificed. Especially was I moved when I saw the indignity to the colored race, which was accomplished by trampling upon a fundamental principle of International Law, declaring the equality of nations, as our Declaration of Independence declares the equality of men.

This terrible transaction, which nobody can defend, is among the "antecedents" of President Grant, from which you can judge how much the colored race can rely upon

his "heart-felt sympathy." Nor can it be forgotten that shortly afterward, on the return of the Commission from this island, Hon. Frederick Douglass, the colored orator, accomplished in manners as in eloquence, was thrust away from the company of the Commissioners at the common table of the mail-packet on the Potomac, almost within sight of the Executive Mansion, simply on account of his color; but the President, at whose invitation he had joined the Commission, never uttered a word in condemnation of this exclusion, and when entertaining the returned Commissioners at dinner carefully omitted Mr. Douglass, who was in Washington at the time, and thus repeated the indignity.

OTHER ANTECEDENTS.

OTHER things might be mentioned, showing the sympathies of the President; but I cannot forget the Civil Rights Bill, which is the cap-stone of that Equality before the Law to which all are entitled without distinction of color. President Grant, who could lobby so assiduously for his San Domingo scheme, full of wrong to the colored race, could do nothing for this beneficent measure. During a long session of Congress it was discussed constantly, and the colored people everywhere hung upon the debate; but there was no word of "heart-felt sympathy" from the President. At last, just before the Nominating Convention, he addressed a letter to a meeting of colored fellow-citizens in Washington, called to advance this cause, where he avoided the question by declaring himself in favor of "the exercise of those rights to which every citizen should be entitled,"[1] leav-

[1] Daily Morning Chronicle, May 10, 1872.

ing it uncertain whether colored people are justly entitled to the rights secured by the pending bill. I understand that Horace Greeley has been already assailed by an impracticable Democrat as friendly to this bill; but nobody has lisped against President Grant on this account.

Among "antecedents" I deem it my duty to mention the little capacity or industry of the President in protecting colored people and in assuring peace at the South. Nobody can doubt that a small portion of the effort and earnest will, even without the lobbying, so freely given to the San Domingo scheme, would have averted those Ku-Klux outrages which we deplore, — thus superseding all pretence for further legislation by Congress. But he is disabled both by character and the drawback of his own conduct. After violating the Constitution and International Law to insult the Black Republic, and setting an example of insubordination, he is not in condition to rebuke law-breakers.

PRESENT POSITION OF CANDIDATES.

Passing from "antecedents," I come now to the "present position" of the two candidates, which is the subject of your next inquiry. If in any formal particulars the two are on equality, yet in all substantial respects the obvious advantage is with Horace Greeley.

NOMINATIONS OF THE TWO CANDIDATES.

Each was nominated by a Republican Convention, one at Cincinnati and the other at Philadelphia; so that in this respect they may seem to be on equality. But

it will not fail to be observed that the Convention at Cincinnati was composed of able and acknowledged Republicans, many having acted with the party from its first formation, who, without previous organization, came together voluntarily for the sake of Reform and Purity in the Government; while, on the other hand, the Convention at Philadelphia was composed of delegates chosen largely under the influence of office-holders, who assembled to sustain what is known as Grantism, being the personal government and personal pretensions of President Grant, involving nepotism, repayment of gifts by official patronage, neglect of public duty, absenteeism, quarrelling, military rule, disregard of Constitution and Law, with general unfitness, and indignity to the colored race, — all of which is so unrepublican as to make its support impossible for true Republicans. Therefore the Convention at Philadelphia, though calling itself Republican, was less Republican in reality than that at Cincinnati.

THE TWO PLATFORMS.

THE two platforms, so far as concerns especially the colored race, are alike in substance; but that of Cincinnati is expressed in terms more worthy of the equal rights it states and claims: "We recognize the equality of all men before the law, and hold that it is the duty of Government, in its dealings with the people, to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political." In other respects the platform of Cincinnati is the more republican, inasmuch as it sets itself against those unrepublican abuses which have been nursed by the President into pernicious activity.

SUPPORTERS OF THE TWO CANDIDATES.

From the two nominations and two platforms I come to the supporters of the candidates; and here I look, first, at those immediately about them, and, secondly, at the popular support behind.

Horace Greeley has among his immediate supporters, in all parts of the country, devoted and consistent Republicans, always earnest for Reform and Purity in Government, on whose lives there is no shadow of suspicion, — being a contrast in character to those rings which play such a part in the present Administration. The country knows too well the Military Ring, the Senatorial Ring, and the Custom-House Ring, through which the President acts. Such supporters are a poor recommendation.

DEMOCRATS TURNING REPUBLICANS.

Looking at the popular support behind, the advantage is still with Horace Greeley. President Grant has at his back the diversified army of office-holders, drilled to obey the word of command. The speeches praising him are by office-holders and members of rings. Horace Greeley finds flocking to his cause large numbers of Republicans unwilling to continue the existing misrule, and as allies with them a regenerated party springing forward to unite in this liberal movement. Democrats, in joining Horace Greeley, have changed simply as President Grant changed when he joined the Republicans, — except that he was rewarded at once with high office. The change is open. Adopting the Republican platform, which places the Equal Rights of All under the safe-

guard of irreversible guaranties, and at the same time accepting the nomination of a lifetime Abolitionist, who represents preëminently the sentiment of duty to the colored race, they have set their corporate seal to the sacred covenant. They may continue Democrats in name, but they are in reality Republicans, by the same title that those who sustain Republican principles are Republicans, — or rather they are Democrats, according to the original signification of that word, dedicated to the rights of the people.

It is idle to say that Horace Greeley and the Republicans who nominated him are any less Republican because Democrats unite with them in support of cherished principles and the candidate who represents them. Conversions are always welcome, and not less so because the change is in a multitude rather than an individual. A political party cannot, if it would, and should not, if it could, shut the door against converts, whether counted by the score, the hundred, or the thousand; and so we find that the supporters of President Grant announce with partisan triumph the adhesion of a single Democratic politician or a single Democratic newspaper. On equal reason and with higher pride may the supporters of Horace Greeley announce the adhesion of the Democratic party, which, turning from the things that are behind, presses on to those that are before.

GREELEY'S ELECTION THE TRIUMPH OF REPUBLICAN PRINCIPLES.

It is also idle to say that the election of Horace Greeley as President, with Gratz Brown as Vice-President, both unchangeable Republicans, will be the return of

the Democratic party to power. On the contrary, it will be the inauguration of Republican principles, under the safeguard of a Republican President and Republican Vice-President, with Democrats as avowed supporters. In the organization of his Administration, and in the conduct of affairs, Horace Greeley will naturally lean upon those who represent best the great promises of Equal Rights and Reconciliation made at Cincinnati. If Democrats are taken, it will be as Republicans in heart, recognizing the associate terms of the settlement as an immutable finality.

The hardihood of political falsehood reaches its extreme point, when it is asserted that under Horace Greeley the freedmen will be reënslaved, or that colored people will in any way suffer in their equal rights. On the contrary, they have in his election not only the promises of the platform, but also his splendid example for a full generation, during which he has never wavered in the assertion of their rights. To suppose that Horace Greeley, when placed where he can do them the most good, will depart from the rule of his honest life is an insult to reason.

It is none the less idle to suppose that Democrats supporting Horace Greeley expect or desire that he should depart from those principles which are the glory of his character. They have accepted the Cincinnati platform with its twofold promises, and intend in good faith to maintain it. Democrats cannot turn back, who at the Convention adopting this platform sang Greeley songs to the tune of "Old John Brown, his soul is marching on." Seeking especially the establishment of character in the National Government, they will expect their President to be always true to himself.

Therefore I put aside the partisan allegations, that Horace Greeley has gone to the Democrats, or that he will be controlled by Democrats. Each is without foundation or reason, according to my judgment. They are attempts to avoid what you recognize as the true issue, being the question between the two candidates; or perhaps they may be considered as scarecrows to deter the timid. Nobody who votes for Horace Greeley will go to the Democrats; nor do I believe, that, when elected, Horace Greeley will be under any influence except that enlightened conscience which will keep him ever true to the principles he represents.

The conclusion from this comparison between the two candidates is plain. Unquestionably the surest trust of the colored people is in Horace Greeley. In everything for your protection and advancement he will show always the most heart-felt sympathy and the greatest vigor beyond what can be expected from President Grant. He is your truest friend.

VOTE FOR GREELEY.

Gentlemen, in thus answering your two inquiries, I have shown why you, as colored fellow-citizens, and also all who would uphold your rights and save the colored race from indignity, should refuse to sanction the reëlection of the President, and should put trust in Horace Greeley. I ought to add, that with him will be associated as Vice-President Gratz Brown, whom I have known for years as a most determined Abolitionist. The two together will carry into the National Government an unswerving devotion to your rights, not to be disturbed by partisan dictation or sectional prejudice.

Besides all this, which may fitly guide you in determining between the two candidates, it is my duty to remind you, that, as citizens of the United States, and of part of the country, your welfare is indissolubly associated with that of the whole country. Where all are prosperous you will be gainers. Therefore, while justly careful of your own rights, you cannot be indifferent to the blessings of good government. It is for you to consider whether the time has not come for something better than the sword, and whether a character like Horace Greeley does not give stronger assurance of good government than can be found in the insulter of the colored race, already famous for the rings about him and his plain inaptitude for civil life. The supporters of President Grant compel us to observe his offences and shortcomings, and thus the painful contrast with Horace Greeley becomes manifest. It will be for others in the present canvass to hold it before the American people.

TOO MUCH OF A REPUBLICAN TO VOTE FOR GRANT.

Speaking now for myself, I have to say that my vote will be given for Horace Greeley; but in giving it I do not go to the Democratic party, nor am I any less a Republican. On the contrary, I am so much of a Republican that I cannot support a candidate whose conduct in civil life shows an incapacity to appreciate Republican principles, and whose Administration is marked by acts of delinquency, especially toward the colored race, by the side of which the allegations on the impeachment of Andrew Johnson were technical and trivial. Unquestionably President Grant deserved impeachment for high crimes and misdemeanors, rather than a renomina-

tion; and on the trial it would have been enough to exhibit his seizure of the war powers, and his indignity to the Black Republic with its population of six hundred thousand, in violation of the National Constitution and of International Law. And here a contrast arises between him and Abraham Lincoln. The latter in his first Annual Message recommended the recognition of what he called "the independence and sovereignty of Hayti"; but it is at these that President Grant has struck. One of Abraham Lincoln's earliest acts was to put the Black Republic on an equality with other powers; one of President Grant's earliest acts was to degrade it.

I am so much of a Republican that I wish to see in the Presidential chair a life-time Abolitionist. I also wish a President sincerely devoted to Civil-Service Reform, beginning with the "One-Term Principle," which President Grant once accepted, but now disowns. I also wish a President who sets the example of industry and unselfish dedication to the public good. And I wish to see a President through whom we may expect peace and harmony, instead of discord. Strangely, President Grant seems to delight in strife. If he finds no enemy, he falls upon his friends, — as when he struck at the Black Republic, insulted Russia in his last Annual Message, offended both France and Germany, and then, in personal relations, quarrelled generally.

PRINCIPLES ABOVE PARTY.

My own personal experience teaches how futile is the charge, that, because Horace Greeley receives Democratic votes, therefore he becomes a Democrat, or lapses under Democratic control. I was first chosen to the Senate by

a coalition of Free-Soilers and Democrats. Democratic votes helped make me Senator from Massachusetts, — as they also helped make my excellent friend Mr. Chase Senator from Ohio, and will help make Horace Greeley President. But neither Mr. Chase nor myself was on this account less faithful as a Free-Soiler, — and, answering for myself, I know that I never became a Democrat or lapsed under Democratic control. I do not doubt that Horace Greeley will be equally consistent. The charge to the contrary, so vehemently repeated, seems to reflect the character of those who make it, — except that many repeat it by rote.

There is a common saying, "Principles, not Men"; and on this ground an appeal is made for President Grant, it being justly felt that in any personal comparison with Horace Greeley he must fail. But a better saying is, "Principles *and* Men." I am for the principles of the Republican Party in contradiction to Grantism, and I am for the man who truly represents them. By these principles I shall stand, for them I shall labor, and in their triumph I shall always rejoice. If any valued friend separates from me now, it will be because he *places a man above principles*. Early in public life I declared my little heed for party, and my indifference to the name by which I was called; and now I confess my want of sympathy with those who would cling to the form after its spirit has fled.

GREELEY'S NOMINATION A RESPONSE TO LONGING FOR PEACE.

This answer would be incomplete, if I did not call attention to another and controlling consideration, which

cannot be neglected by the good citizen. Watching the remarkable movement that has ended in the double nomination of Horace Greeley, it is easy to see that it did not proceed from politicians, whether at Cincinnati or Baltimore. Evidently it was the heart of the people, sorely wrung by war and the controversies it engendered, which found this expression. Sir Philip Sidney said of the uprising in the Netherlands, "It is the spirit of the Lord, and is irresistible"; and such a spirit is manifest now. I would not use the word lightly, but to my mind it is Providential. Notwithstanding the counteracting influence of politicians, Republican and Democratic, in the face of persistent ridicule, and against the extravagance of unscrupulous opposition, the nomination at Cincinnati was triumphantly adopted at Baltimore. Such an unprecedented victory, without concert or propulsion of any kind, can be explained only by supposing that it is in harmony with a popular longing. That Democrats, and especially those of the South, should adopt a life-time Abolitionist for President is an assurance of willingness to associate the rights of their colored fellow-citizens with that Reconciliation of which Horace Greeley was an early representative. In standing by Jefferson Davis at his trial and signing his bail-bond, he showed the same sentiment of humanity he so constantly displayed in standing by the colored race throughout their prolonged trial; so that the two discordant races find kindred hospitality in him, and he thus becomes a tie of union. In harmony with this interesting circumstance is the assurance in his letter of acceptance, that, if elected, he will be "the President, not of a party, but of the whole people."

RECONCILIATION.

THE nomination has been adopted by the Democrats in convention assembled. This was an event which the supporters of President Grant declared impossible. I do not see how it can be regarded otherwise than as a peace-offering. As such it is of infinite value. The Past is rejected, and a new Future is begun with the promise of concord. Here is no ordinary incident. It is a Revolution, and its success in pacifying the country will be in proportion to its acceptance by us. I dare not neglect the great opportunity, nor can I stand aloof. It is in harmony with my life, which places Peace above all things except the Rights of Man. Thus far, in constant efforts for the colored race, I have sincerely sought the good of all, which I was sure would be best obtained in fulfilling the promises of the Declaration of Independence, making all equal in rights. The spirit in which I acted appears in an early speech, where I said: "Nothing in hate; nothing in vengeance."[1] My object was security for Human Rights. Most anxiously I have looked for the time, which seems now at hand, when there should be reconciliation, not only between the North and South, but between the two races, so that the two sections and the two races may be lifted from the ruts and grooves in which they are now fastened, and, instead of *irritating antagonism* without end, there shall be *sympathetic coöperation.*

The existing differences ought to be ended. There is a time for all things, and we are admonished by a wide-spread popular uprising, bursting the bonds of party, that

[1] Speech at the Republican State Convention in Worcester, September 14, 1865. *Ante*, Vol. XII. p. 339.

the time has come for estrangement to cease between people who by the ordinance of God must live together. Gladly do I welcome the happy signs; nor can I observe without regret the colored people in organized masses resisting the friendly overtures, even to the extent of intimidating those who are the other way. It is for them to consider carefully whether they should not take advantage of the unexpected opening, and recognize the "bail-bond" given at Baltimore as the assurance of peace, and unite with me in holding the parties to the full performance of its conditions. Provided always that their rights are fixed, I am sure it cannot be best for the colored people to band together in a hostile camp, provoking antagonism and keeping alive the separation of races. Above all, there must be no intimidation; but every voter must act freely, without constraint from league or lodge. Much better will it be when the two political parties compete for your votes, each anxious for your support. Only then will that citizenship by which you are entitled to the equal rights of all have its natural fruits. Only then will there be that harmony which is essential to a true civilization.

The present position of the colored citizen is perilous. He is exposed to injurious pressure where he needs support. But I see no early extrication except in the way now proposed. Let him cut adrift from managers who would wield him merely as a political force, with little regard to his own good, and bravely stand by the candidate who has stood by him. If Democrats unite with him, so much the better. The association, once begun, must naturally ripen in common friendship and trust.

I am for peace in reality as in name. From the

bottom of my heart I am for peace, and I welcome all that makes for peace. With deep-felt satisfaction I remember that no citizen who drew his sword against us has suffered by the hand of the executioner. In just association with this humanity will be the triumph of Equal Rights, when the promises of the great Declaration are all fulfilled, and our people are united, as never before, in the enduring fellowship of a common citizenship. To this end there must be Reconciliation. Nor can I withhold my hand. Freely I accept the hand that is offered, and reach forth my own in friendly grasp. I am against the policy of hate; I am against fanning ancient flames into continued life; I am against raking the ashes of the Past for coals of fire yet burning. Pile up the ashes; extinguish the flames; abolish the hate!

And now, turning to the Democratic party, I hold it to all the covenants solemnly given in the adoption of a Republican platform with Horace Greeley as candidate. There can be no backward step.

WATCHWORD FOR THE CANVASS.

With no common sympathy I observe that Mr. Hendricks, a leading Democrat, whom I knew and esteemed in the Senate, has recently announced his acceptance of the Constitutional Amendments with their logical results. He proposes, as a proper key-note to the popular movement now swelling to a sure triumph, "Just Laws and Public Virtue." This is a worthy aspiration, entirely fit for the occasion. My watchword is, "The Unity of the Republic, and the Equal Rights of All, with Reconciliation." Such is my heart-felt cry; and wherever my

voice can reach, there do I insist upon all these, humbly invoking the blessings of Divine Providence, which, I believe, must descend upon such a cause.

Accept my best wishes for yourselves personally, and for the people you represent.

And believe me, Gentlemen,

Your faithful friend,

CHARLES SUMNER.

To Dr. AUGUSTA, WILLIAM H. A. WORMLEY, and others.

LETTER TO SPEAKER BLAINE.

August 5, 1872.

July 31, 1872, Mr. Blaine addressed a letter to Mr. Sumner through the newspapers, arraigning him as recreant both to party and principle, in the position taken by him on the Presidential question in his recent Letter to Colored Citizens. Mr. Sumner responded as follows: —

Washington, August 5, 1872.

DEAR SIR, — I have seen the letter addressed to me by you through the public prints, and I notice especially, that, while animadverting upon my support of Horace Greeley, you say not one word in vindication of that compound of pretensions known as Grantism in contradistinction to Republicanism, which you would install anew in the Government.

You are greatly concerned about the company I keep. To quiet your solicitude, I beg leave to say, that, in joining the Republicans who brought forward an original Abolitionist, I find myself with so many others devoted to the cause I have always served that I had not missed you until you hastened to report absence; nor had I taken account of the "Southern Secessionists," who, as you aver, are now coöperating with me in support of this original Abolitionist, except to rejoice, that, if among former associates some like yourself hesitate, their places are supplied from an unexpected quarter.

You entirely misunderstand me when you introduce an incident of the past, and build on it an argument why I should not support Horace Greeley. What has Preston Brooks to do with the Presidential election? Never, while a sufferer, did anybody hear me speak of him in unkindness; and now, after the lapse of more than half a generation, I will not unite with you in dragging him from the grave, where he sleeps, to aggravate the passions of a political conflict, and arrest the longing for concord. And here is the essential difference between you and me at this juncture. I seize the opportunity to make the equal rights of all secure through peace and reconciliation; but this infinite boon you would postpone.

Seven years have passed since the close of our Civil War; but, unhappily, during all this period a hostile spirit has continued to exist between the contending sections, while the rights of colored fellow-citizens have been in perpetual question. Seven years mark a natural period of human life. Should not the spirit be changed with the body? Can we not after seven years begin a new life, especially when those once our foes repeat the saying, "Thy people shall be my people, and thy God my God"?

I declare my preference for an original Abolitionist as President, and you seek to create a diversion by crying out that Democrats will support him. To which I reply, So much the better. Their support is the assurance that the cause he has so constantly guarded, whether of Equal Rights or Reconciliation, is accepted by Democrats; and this is the pledge of a true union beyond anything in our history. It is a victory of ideas, without which all other victories must fail.

To intensify your allegation, you insist that I am ranged with Jefferson Davis and Robert Toombs; but, pardon me, nobody knows how the former will vote, while Robert Toombs is boisterous against Horace Greeley, and with him are Stephens, Wise, and Mosby. This is all very poor, and I mention it only to exhibit the character of your attempt.

In the same spirit you seek to avoid the real issue by holding up the possibility of what you call a Democratic Administration; and you have the courage to assert, as within my knowledge, that by the election of Horace Greeley "Congress is handed over to the control of the party who have persistently denied the rights of the black man." You say that I know this. Mr. Speaker, I know no such thing, and you should be sufficiently thoughtful not to assert it. I am entirely satisfied that a canvass like the present, where the principles declared at Cincinnati are openly accepted on one side and not contested on the other, must result in a larger number of Congressional Representatives sincerely devoted to the rights of the colored citizen than ever before.

The Democrats will be pledged, as never before, to the ruling principle that All Men are Equal before the Law, and also to the three Constitutional Amendments, with the clause in each empowering Congress to enforce the same by appropriate legislation. But besides Democrats, there will be Liberal Republicans pledged likewise, and also your peculiar associates, who, I trust, will not betray the cause. Senators and Representatives calling themselves Republicans have been latterly in large majority in both Houses; but the final measure of Civil Rights, to which you refer, though urged

by me almost daily, has failed to become a law, less, I fear, from Democratic opposition than from Republican lukewarmness and the want of support in the President.

The great issue which the people are called to decide in November is on the President, and nobody knows better than yourself that the House of Representatives, chosen at the same time, will naturally harmonize with him. So it has been in our history. Now harmony with Horace Greeley involves what I most desire. With such a President, Congress will be changed. For the first time since the war the Equal Rights of All will have a declared representative at the head of the Government, whose presence there will be of higher significance than that of any victor in war, being not only a testimony, but a constant motive-power in this great cause.

Opposition, whether open hostility or more subtle treachery, will yield to the steady influence of such a representative. Therefore in looking to the President I look also to Congress, which will take its character in large measure from him. In choosing Horace Greeley we do the best we can for the whole Government, — not only in the Executive, but in the Legislative branch, — while we decline to support nepotism, repayment of personal gifts by official patronage, seizure of the war powers, indignity to the Black Republic, — also, the various incapacity exhibited by the President, and the rings by which he governs, — none of which can you defend. You know well that the rings are already condemned by the American people.

For myself, I say plainly and without hesitation, that I prefer Horace Greeley, with any Congress possible on

the Cincinnati Platform, to President Grant, *with his personal government and his rings,* — a vote for whom involves the support of this personal government, *with prolonged power in all the rings.* There must be another influence and another example. The Administration, in all its parts, is impressed by the President. Let his soul be enlarged with the sentiment of justice, quickened by industry, and not only the two Houses of Congress, but the whole country, will feel the irresistible authority, overspreading, pervading, permeating everywhere. Therefore, in proportion as you are earnest for the rights of the colored citizen, and place them above all partisan triumph, you will be glad to support the candidate whose heart has always throbbed for Humanity. The country needs such a motive-power in the White House; it needs a generous fountain there. In one word, it needs somebody different from the present incumbent; and nobody knows this better than Speaker Blaine.

The personal imputation you make upon me I repel with the indignation of an honest man. I was a faithful supporter of the President until somewhat tardily awakened by his painful conduct on the island of San Domingo, involving seizure of the war power in violation of the Constitution, and indignity to the Black Republic in violation of International Law; and when I remonstrated against these intolerable outrages, I was set upon by those acting in his behalf. Such is the origin of my opposition. I could not have done less without failure in that duty which is with me the rule of life. Nor can I doubt that when partisan sentiments are less active you will regret the wrong you have done me. Meanwhile I appeal confidently to the candid judg-

ment of those who, amidst all present differences of opinion, unite in the great objects, far above Party or President, to which my life is devoted.

I am, Sir, your obedient servant,

CHARLES SUMNER.

THE HONORABLE SPEAKER BLAINE.

RETROSPECT AND PROMISE.

Address at a Serenade before his House in Washington, August 9, 1872.

The serenade was given under the auspices of the colored men of the District, on the occasion of the Senator's departure for Boston, — and the crowd in attendance is reported to have been "one of the largest ever gathered in Washington for a similar object." On presentation by Dr. Augusta as "the tried and true friend of the African race," Mr. Sumner said : —

Friends and Fellow-Citizens : —

I AM touched by this voluntary expression of friendship, and beg to thank you from the heart.

In seeing you on this occasion I think of you only as personal friends among whom I have lived more than twenty years. During this considerable period changes have occurred of incalculable importance to the country, but especially to the colored people. When I entered upon my public duties here Slavery was in the ascendant, giving the law to all the usages of life. The colored man was degraded. He was not allowed to testify in court; he was shut out from the public schools; he was excluded from the public conveyances, and thrust away from the ballot-box. But here in the National Capital all these terrible wrongs have ceased. The court-room, the school-house, the horse-car, and the ballot-box are

all open, never to be closed. Revolutions do not go backward. Therefore you may rest secure in what has been won. Of this be sure, Slavery will never be revived, nor will you be restrained or limited in any of these rights you now enjoy. [*Applause, and three cheers for Mr. Sumner.*]

Most sincerely do I congratulate you on these signal triumphs, so little to be expected when I first became acquainted with you. And when we consider the brief period in which they have been accomplished, I am sure you will unite with me in hope and trust for the future. [*Cries, "We will!"*]

It is my duty, however, to remind you that the work is not yet completed. This will be only by the enactment of a Civil Rights Bill which shall relieve the citizen, whoever he may be, from any exclusion or discrimination on account of his color. Only then will be established that Equality before the Law to which now, for the first time in our history, all political parties are distinctly pledged. Here there can be no question. [*Applause.*] It is in the platforms of all. Of the early passage of such a law I do not doubt. Then will you have all the assurance of your rights that can be found in the Constitution and law. But that law will be the cap-stone. [*Applause.*]

I shall not disguise from you that something more will be needed. There must be a constant, watchful, public opinion behind, to see that these are enforced in letter and spirit. Here there must be no failure in awakening and invigorating this public opinion. You can do much,— I would almost say you can do everything. How constantly have I urged, in public speech and in all my intercourse with you, that our colored

fellow-citizens must insist upon their rights always, by petition, by speech, and by vote! Above all, never vote for any man who is not true to you. Make allegiance to you the measure of your support. [*Cheers.*] So doing, all parties will seek your vote. [*Cheers.*] You will be felt, and your cause will be irresistible.

Please accept these few words as my acknowledgment of your kindness this evening. [*Cries, "Go on!"*] From long acquaintance you know something of my sympathies. [*A voice, "I do!"*] Always from the beginning I have sought to serve you, and always to the end shall I seek to serve you. To your cause my life is dedicated, and nothing can turn me from it, nothing can tempt me or drive me from its support. [*Loud applause.*]

FREDERICK DOUGLASS AND PRESIDENT GRANT.

LETTER TO HON. ANDREW D. WHITE, PRESIDENT OF CORNELL UNIVERSITY, AUGUST 10, 1872.

WASHINGTON, August 10, 1872.

MY DEAR SIR, — I am surprised by a statement purporting to proceed from you, which I find under the telegraphic head, to the effect that I have misrepresented facts with regard to Frederick Douglass.

In making this allegation you defend the Commissioners to San Domingo, and allege that Mr. Douglass was well treated by them. I have never said the contrary, nor have I ever alluded to the treatment he received from them. Not a word or hint can be found on the subject in anything written or spoken by me.

My allusion was to the exclusion of Mr. Douglass from the common table of the mail-packet on the Potomac, almost within sight of the Executive Mansion, simply on account of color, — and I added, that the President, on whose invitation he had joined the Commission, never uttered a word in rebuke of this exclusion, and when entertaining the returned Commissioners at dinner carefully omitted Mr. Douglass, who was in Washington at the time, and thus repeated the indignity. On this

you are represented as remarking, that General Sigel was also omitted, but that, in fact, Mr. Douglass and General Sigel had already left for their homes (forgetting that Mr. Douglass continued in Washington); and you do not allow yourself to doubt, that, had they been in town, they would have been included in the invitation. Your apology clearly shows your opinion that they ought to have been invited; but please not to forget that there was a reason for inviting Mr. Douglass that did not exist in the case of General Sigel. The General was white, and he had suffered no indignity on board a mail-packet which it was in the power of the President to rebuke by example.

But you are mistaken in the facts, as appears by the newspapers of the time. The Commissioners reached Washington on the evening of March 27th. They were entertained at dinner by the President March 30th. On the day before the dinner Mr. Douglass presided at the Convention to nominate a Delegate to Congress from the District of Columbia, and on taking the chair made a speech. Mr. Chipman was nominated against Mr. Douglass, who made another speech thanking his supporters for their votes. To gratify the friends of Mr. Douglass, there was an understanding that he should succeed Mr. Chipman as Secretary of the District. These things show that Mr. Douglass was not only in Washington, but conspicuously so, presiding at a public Convention, and being voted for as a candidate for Congress.

But we are not left to inference. Mr. A. M. Green, of Washington, who at the Convention nominated Mr. Douglass for Congress, assures us that he did not leave town till some days later. Mr. Green further states, in

a note dated August 10th, now before me, that about this time he and another friend called on Mr. Douglass, in relation to his appointment by the President as Secretary of the District; that Mr. Douglass, while thanking them for their earnestness in his behalf, assured them that he had no hope of success; that he had "new evidence of the conservative character or tendency of the Administration, which warranted him in the opinion that we could not succeed"; and Mr. Green says that Mr. Douglass added these words: "I was not only neglected without any rebuke for the offence from the President, but the Commissioners have been invited to dine with the President, and the same spirit of neglect has been exhibited in that respect also." Mr. Green adds, that recently, while on the way to the National Colored Convention at New Orleans, Mr. Douglass, in conversation with Mr. Downing and himself, "referred in a complaining spirit to this circumstance."

I have also before me a note, dated August 10th, from Mr. Wormley, so well known for his excellent hotel in Washington, who says that he asked Mr. Douglass, shortly after his return, if he dined with the President and the Commissioners, to which he answered, "No, and for the good reason that I was not invited"; and then he added, "It is no use to deny it, but I feel it sorely." This was at Mr. Douglass's office. On another occasion, at his son's house, referring to the same thing, he said to Mr. Wormley, "I felt it keenly."

Mr. Gray, recently of the Legislative Council of the District, nominated by the President and confirmed by the Senate, now a School Trustee, assures me that Mr. Douglass spoke to him of his omission by the President with the same feeling that he exhibited to Mr. Green

and Mr. Wormley. These witnesses are all colored, but even without the new law nobody would question their testimony. I add my own acquaintance with the case. At my house, Mr. Douglass, while speaking not unkindly, said that he felt the President's neglect in not inviting him to dine, which was more noticeable, as he had gone to San Domingo at the express invitation of the President, and on his return was insulted on board the Potomac mail-packet. He added, that an invitation from the President would have been a proper rebuke to those who had insulted him.

I will add, that it is a matter of common notoriety that Mr. Douglass did not disguise his feelings on account of this Presidential incident.

Such are the facts and the evidence. I think that you will see, my dear Sir, that, if there is any misstatement, or, as you express it, "perversion of facts," it is not on my part.

Faithfully yours,

CHARLES SUMNER.

GREELEY OR GRANT?

Speech intended to be delivered at Faneuil Hall, Boston, September 3, 1872.

Liberal Republican Head-Quarters,
Boston, August 24, 1872.

My Dear Sir, — I am directed by the Liberal Republican State Committee to communicate to you a vote of which the following is a copy : —

"*Voted*, That the Chairman, in the name of the Liberal Republican State Committee, invite the Hon. Charles Sumner to address his constituents on Public Affairs in Faneuil Hall, at the earliest day that may suit his convenience."

Allow me to add my earnest personal wishes that you will be able to comply with the request. "The great soul of the world is just," and the sober second thought of the people of Massachusetts will, I doubt not, sustain you in the position you have taken in favor of Reform and Reconciliation, and therefore of the election of Greeley and Brown.

Very faithfully yours,

F. W. Bird.

Hon. Charles Sumner.

Boston, August 30, 1872.

Dear Sir, — I have been honored by your communication of August 24th, inviting me in the name of the Liberal Republicans of Massachusetts, to speak in Faneuil Hall. It is with inexpressible pain and regret that I feel constrained to decline this flattering opportunity.

I had confidently hoped, on returning home, to meet my fellow-citizens in that venerable forum, so dear to us all, and to speak once more on great questions involving the welfare of our country; but recurring symptoms of a painful character warn me against any such attempt. My physician advises that I must not for the present make any public effort, and he prescribes rest. Valued friends, familiar with my condition, unite with the excellent physician.

In submitting most reluctantly to these admonitions, I cannot renounce the privilege of communicating with my fellow-citizens, and therefore hand you a copy of what, with the blessing of health, I hoped to say. In the House of Representatives undelivered speeches are sometimes ordered to be printed. You may follow this precedent with mine, or do with it as you please. Meanwhile accept my best wishes, and believe me, dear Sir,

Very faithfully yours,

Charles Sumner.

Hon. Francis W. Bird, Chairman, etc.

SPEECH.

FELLOW-CITIZENS, — It is on the invitation of the State Committee of Liberal Republicans that I have the honor of addressing you. I shall speak directly on the issue before us. If I am frank and plain, it will be only according to my nature and the requirement of duty at this time. But nothing can I say which is not prompted by a sincere desire to serve my country, and especially to promote that era of good-will, when the assent of all shall be assured to the equal rights of all.

THE TWO CANDIDATES.

AT the approaching Presidential Election the people are to choose between two candidates. By the operation of our electoral system, and the superadded dictation of National Conventions, the choice is practically limited to President Grant and Horace Greeley; so that no preference for another can be made effective. One of these must be taken. Preferring Horace Greeley, I have no hesitation in assigning the reasons which lead me to this conclusion.

Believing the present incumbent unfit for the great office to which he aspires for a second time, and not doubting that a vote for him would be regarded as the

sanction of abuses and pretensions unrepublican in character, I early saw the difficulty of taking any part for his reëlection. Long ago I declared, that, while recognizing party as an essential agency and convenience, I could not allow it to constrain my conscience against what seemed the requirements of public good. Regarding always substance rather than form, I have been indifferent to the name by which I might be called. Nor was I impressed by the way in which the candidate was urged. Supporters, while admitting his failure, and even the abuses and pretensions so notorious in his civil life, commended his reëlection as necessary to uphold the party with which I have been associated. But it is easy to see that a vote for such a candidate on such a reason was "to do evil that good might come," which is forbidden in politics as in morals.

Two courses seemed open. One was to abstain from voting, — and I confess that this was my first inclination. But it is not easy for me to be neutral, — certainly where wrong-doing is in question; nor is it my habit to shrink from responsibility. But the doubt that beset me was removed when I saw the Democratic Party adopt the candidate opposed to President Grant, being an original Republican already nominated by a Republican Convention, and at the same time accept the Republican platform on which he was nominated. An old party, which had long stood out against the Republican cause, now placed itself on a Republican platform, the best ever adopted, with a Republican candidate, who was the most devoted Republican ever nominated, — thus completely accepting the results of the war, and offering the hand of reconciliation. At once the character of the contest changed. This was no common

event. Pardon me, if I say that to me it was of peculiar interest. For years I have sought to establish in the National Government the great principles of the Declaration of Independence, avowing always that when this was done nobody should surpass me in generosity towards former Rebels. Not only by the logic of my life, but by constant speeches, was I bound to welcome those who placed themselves on this glorious platform. The extent of this obligation will appear before I close. And now its performance harmonizes with opposition to the prolonged misrule of the present incumbent.

TWO REASONS IN FAVOR OF GREELEY.

Evidently I am not at liberty to abstain from voting. In considering the reasons in favor of Horace Greeley, I find two, differing in character, but of chief importance: first, that he represents a reformed civil service, beginning with the One-Term principle, without which this reform is too much like a sham; and, secondly, that he represents reconciliation, not only between the two sections, but between the two races, which is essential to the repose of the country and the safeguard of Equal Rights.

To these must be added, that he does not represent those personal pretensions, so utterly inconsistent with Republican government, which are now known as Grantism. In voting for Horace Greeley you will not sustain nepotism, you will not sustain gift-taking and repayment by official favor, and you will not lend your sanction to the San Domingo machination, with its unconstitutional usurpations, its violations of International Law, and its indignity to the Black Republic. Else-

where I have considered these fully,[1] and I am not aware of any answer to the undeniable facts. I shall only glance at them now.

NEPOTISM.

NEPOTISM is already condemned by history, and most justly; for it is obviously a form of self-seeking, hostile to purity of government, and strangely out of place in a Republic. Nothing for self, but all for country and mankind, should be the rule of our President. If the promptings of his inner nature fail, then must he feel the irresistible obligation of his position. As he does, so will others do; and therefore must his example be such as to elevate the public service. Nothing in Washington's career has shone with more constant light than his refusal to confer office on his relations. Even at the time, it arrested attention not only at home but abroad, finding praise in England. Of this there is a striking illustration. The "Register of the Times," published at London in 1795, in an article entitled "Interesting and Authentic Documents respecting the United States of America," records its homage: —

"The execution of the office of the Chief Magistrate has been attended through a term of four years with a circumstance which to an admiring world requires no commentary. A native citizen of the United States, transferred from private life to that station, has not, during so long a term, appointed a single relation to any office of honor or emolument." [2]

With such confession an admiring world looked on. Something would I do — something, I trust, the Ameri-

[1] See Speech entitled "Republicanism *vs.* Grantism," — *ante*, pp. 83–171.
[2] Vol. IV. p. 121.

can people will do at the coming election — to secure this beautiful praise yet again for our country.

GIFT–TAKING.

Like nepotism, the taking of gifts by a public servant is condemned by history. No honest nature can uphold it. How well did our late General Thomas, so admirable in character, rebuke this abuse, when he replied to an offer of $100,000, as I am told, "Let it go to my men"! If not a form of bribery, it is kindred in nature, — and this has long been recognized, from the Bible down to our day. According to the old scriptures it is destructive: "The king by judgment stablisheth the land; but he that receiveth gifts overthroweth it."[1] Here again is the example of Washington brightly lighting the true republican pathway. The same President who would not appoint a relation would not take a gift, even when out of office. His example was in harmony with the lesson of Colonial days. As long ago as April 20, 1703, Queen Anne, in a communication to Lord Cornbury, Governor of New York and New Jersey, laid down the following rule: that neither the Governor, Lieutenant-Governor, Commander-in-Chief, or President of the Council "do receive any gift or present from the Assembly *or others* on any account or in any manner whatsoever, upon pain of our highest displeasure, and of being recalled from that our Government."[2] This rule is as good for our day as for that in which it was ordained by royal authority.

[1] Proverbs, xxix. 4.

[2] Documents relative to the Colonial History of New York, ed. O'Callaghan, Vol. IV. p. 1040.

There is another instance, which should not be forgotten. It is that of Lord Wellesley, the accomplished brother of the Duke of Wellington. A work so common as that of Smiles on "Self-Help" records, that, while Governor-General of India, he positively refused a present of £100,000 from the Directors of the East India Company on the conquest of Mysore; and here the terms of his refusal are important: —

"It is not necessary for me to allude to the independence of my character and the proper dignity attaching to my office; other reasons besides these important considerations lead me to decline this testimony, which is not suitable to me. I think of nothing but our army. I should be much distressed to curtail the share of those brave soldiers." [1]

His refusal remained unalterable. At a later period, when nearly eighty years of age, embarrassed by debts, and entirely withdrawn from public life, he allowed the Company to vote him a much smaller sum in consideration of his signal services.[2]

GIFT-MAKERS APPOINTED TO OFFICE.

The allowances voted by Parliament to Marlborough and Wellington on account of their victories can be no precedent for the acceptance of gifts from fellow-citizens. The distinction is clear. But the case against the present incumbent is not only that while holding high office he accepted gifts from fellow-citizens, but subsequently appointed the gift-makers to office, — thus using the Presi-

[1] Self-Help, (Boston, 1860,) pp. 391–92.

[2] Pearce, Memoirs and Correspondence, (London, 1846,) Vol. III. pp. 424–25.

dency to pay off his own personal obligations. Please bear this in mind; and when some apologist attempts to defend the taking of gifts, let him know that he must go still further, and show that the Presidency, with all its patronage, is a perquisite to be employed for the private advantage of the incumbent.

SAN DOMINGO.

NEXT in illustration of the prevailing misrule is the San Domingo business, with its eccentricities of wrongdoing; and this, too, is now in issue. At the thought of this unprecedented enormity, where wrong assumes such various forms, it is hard to be silent; but I shall be brief. The case is clear, and stands on documents which cannot be questioned. I keep within the line of moderate statement, when I say, that, from the beginning of our Government, nothing in our foreign relations has been so absolutely indefensible. It will not do to call it simply a fault and an insolence; it was an elaborate contrivance, conceived in lust of territory, pursued in ignorance, maintained in open violation of the National Constitution, pushed forward in similar violation of International Law in fundamental principles, and crowned by intolerable indignity to the Black Republic, even to the extent of menacing hostilities and the sinking of its ships, — all without authority of Congress, and by Presidential prerogative alone. In this drama the President, like a favorite actor, assumed every part. In negotiating the treaty he was President; in declaring war he was Congress; in sending ships and men he was Commander-in-Chief; and then in employing private influence with Senators to promote his scheme — according to the prom-

ise in the protocol with Baez, signed in his name by Orville E. Babcock, entitled therein "Aide-de-Camp to his Excellency General Ulysses S. Grant, President of the United States of America" — he was lobbyist. That such things can be done by a President without indignant condemnation, loud and universal, shows a painful demoralization in the country. That their author can be presented for reëlection to the Presidency, whose powers he has thus misused, shows a disheartening insensibility to public virtue.

Here I remark, that, so long as the President confined himself to negotiation, he was strictly within the line of the Constitution. Even if indiscreet in character and impolitic in object, it was not unconstitutional. But in seizing war powers without the authority of Congress, in upholding the usurper Baez that he might sell his country, in menacing the Black Republic, and then in playing the lobbyist to promote the contrivance, the President did what no other President ever did before, and what, for the sake of Republican Institutions, should be rebuked by the American people. It was the knowledge of these proceedings that changed essentially my relations to the question.

PERSONAL MISREPRESENTATIONS.

I ALLUDE with hesitation to personal misrepresentations on the matter. It has been said that I promised originally to support the treaty. This is a mistake. I knew nothing of the treaty, and had no suspicion of it, until several months after the protocol, and some time after the negotiation was completed; and then my simple promise was that it should have from me "the most

careful and candid consideration"; and such I gave it most sincerely. At first my opposition was reserved and without allusion to the President. It was only when the strange business was fully disclosed in official documents communicated in confidence to the Senate, and it was still pressed, that I felt impelled to a sterner resistance. Especially was I constrained, when I found how much the people of Hayti suffered. It so happened that I had reported the bill acknowledging their independence and establishing diplomatic relations between our two countries, assuring that equality which had been violated. Not unmoved could I witness the wrong inflicted upon them. And has it come to this, that the President of the Great Republic, instead of carrying peace and good tidings to Africans commencing the experiment of self-government, should become to them an agent of terror?

It is difficult to see how I could have done otherwise. Anxious to excuse the anger towards me, it has been said that I opposed the treaty because Mr. Motley was unceremoniously removed from the mission at London; and here you will see the extent to which misrepresentation has gone. It so happens that Mr. Motley was removed on the day immediately following the rejection of the treaty. Evidently my opposition was not influenced by the removal: was the removal influenced by my opposition?

Equally absurd is the story that I am now influenced by personal feelings. I am a public servant, trained to duty; and now, as always before, I have yielded only to this irresistible mandate. With me there is no alternative. The misconduct of the President, so apparent in the San Domingo device, became more conspicuous

in the light of illustrative facts, showing it to be part of a prevailing misrule, which, for the sake of our country, should not be prolonged. As a patriot citizen, anxious for the national welfare and renown, am I obliged to declare these convictions.

I am now brought to those two chief measures to be advanced by the election of Horace Greeley, each of controlling importance,— one looking directly to purity and efficiency in the government, and the other to the peace and welfare of our country.

ONE-TERM PRINCIPLE.

THE principle of One Term for President is the corner-stone of a reformed civil service. So plain is this to my apprehension, that I am at a loss to understand how any one sincerely in favor of such reform can fail to insist upon this principle. All experience shows that the employment of the appointing power to promote the personal ends of the President is the great disturbing influence in our civil service. Here is the comprehensive abuse which envelops all the offices of the country, making them tributary to one man, and subordinate to his desires. Let this be changed, and you have the first stage of reform, without which all other measures are dilatory, if not feeble and inefficient. How futile to recommend, as is done by the Commissioners on Civil Service, "an honest competitive examination," while the rules for this system are left to the discretion of a President seeking reëlection! "Lead us not into temptation" is part of the brief prayer we are all taught to repeat; nor are Presidents above the necessity of this

prayer. The misuse of the appointing power to advance ambitious aims is a temptation to which a President must not be exposed. For his sake, and for the sake of the country, this must not be.

In attributing peril to this influence, I speak not only from my own careful observation, but from the testimony of others whose words are authoritative. You do not forget how Andrew Jackson declared that the limitation of the office to one term was required, in order to place the President "beyond the reach of any improper influences" and "uncommitted to any other course than the strict line of constitutional duty,"[1] — how William Henry Harrison announced, that, with the adoption of this principle, "the incumbent would devote all his time to the public interest, and there would be no cause to misrule the country,"[2] — how Henry Clay was satisfied, after much observation and reflection, "that too much of the time, the thoughts, and the exertions of the incumbent are occupied during his first term in securing his reëlection,"[3] — and how my senatorial associate of many years, Benjamin F. Wade, after denouncing the reëligibility of the President, said, "There are defects in the Constitution, and this is among the most glaring."[4] According to this experienced Senator, the reëligibility of the President is not only a defect in the Constitution, but one of its most glaring defects.

And such also was the declared opinion of the pres-

[1] Annual Message, 21st Cong. 2d Sess., December 7, 1830.

[2] Speech at the Dayton Convention, September 10, 1840: Niles's Register, Vol. LIX. p. 70.

[3] Speech at Taylorsville, Hanover County, Va., June 27, 1840: Works, Vol. VI. p. 421.

[4] Speech in the Senate, February 20, 1866: Congressional Globe, 39th Cong. 1st Sess., p. 932.

ent incumbent before his election and the temptation of a second term. It has been stated by one who conferred with him at the time, that immediately before his nomination General Grant said, in the spirit of Andrew Jackson, "The liberties of the country cannot be maintained without a One-Term Amendment of the Constitution"; and another writes me, that while on a walk between the White House and the Treasury, just at the head of the steps, near the fountain, the General paused a moment, and said, "I am in favor of restricting the President to a single term, and of abolishing the office of Vice-President." By the authority of this declaration, the "Morning Chronicle,"[1] the organ of the Republican party at Washington, proclaimed of its Presidential candidate, "He is, moreover, an advocate of the One-Term principle, as conducing toward the proper administration of the law"; and then at a later date,[2] after calling for the adoption of this principle, the same Republican organ said, "General Grant is in favor of it." Unquestionably at that time, while the canvass was proceeding, he allowed himself to be commended as a supporter of this principle. That he should now disregard it gives new reason for the prayer, "Lead us not into temptation."

Never before was the necessity for this beneficent Amendment more apparent; for never before was the wide-spread abuse from the reëligibility of the President more grievously conspicuous. De Tocqueville, the illustrious Frenchman, who saw our institutions with a vision quickened by genius and chastened by friendly regard, discerned the peril, when he said: —

"Intrigue and corruption are the natural vices of elective government; but when the head of the State can be reëlected,

[1] June 3, 1869. [2] July 14, 1869.

these evils rise to a great height and compromise the very existence of the country. When a simple candidate seeks to rise by intrigue, his manœuvres must be limited to a very narrow sphere ; *but when the Chief Magistrate enters the lists, he borrows the strength of the Government for his own purposes.* . . . . If the representative of the Executive descends into the combat, the cares of Government dwindle for him into second-rate importance, and the success of his election is his first concern."[1]

Nothing can be more true than these remarkable words, which are completely verified in what we now behold. The whole diversified machinery of the National Government in all its parts, operating in State, District, Town, and Village, is now at work to secure the reëlection of the President, as for some time before it worked to secure his renomination, — the whole being obedient to the central touch.

Look for a moment at this machinery, or, if you please, at this political hierarchy, beginning with Cabinet officers, and reaching to the pettiest postmaster, every one diligent to the single end of serving Presidential aspiration. The Jeffersonian rule was, "Is he honest ? Is he capable ? Is he faithful to the Constitution ?" But this is now lost in the mightier law, "Is he faithful to reëlection ?" This failing, all merit fails. Every office-holder, from highest to lowest, according to his influence, becomes propagandist, fugleman, whipper-in. Members of the Cabinet set the example, and perambulate the country, instructing the people to vote for reëlection. Heads of Bureaus do likewise. Then, in their respective localities, officers of the Customs, officers of the

[1] Democracy in America, ed. Bowen, (Cambridge, 1863,) Ch. VIII. Vol. I. pp. 172–73.

Internal Revenue, marshals with their deputies, and postmasters, each and all, inspired from the National Capitol, are all calling for reëlection. This organized power, variously estimated at from sixty to eighty thousand in number, all paid by the Government, and overspreading the whole country in one minute network, has unprecedented control at this moment, partly from increased facilities of communication, and partly from the military drill which still survives the war, but more, perhaps, from the determined will of the President, to which all these multitudinous wills are subjugated. This simple picture, which nobody can question, reveals a tyranny second only to that of the Slave Power itself, — which Jefferson seems to have foreseen, when, after portraying the Legislature as most to be feared in his day, he said, "The tyranny of the Executive will come in its turn."[1] Even his prophetic vision did not enable him to foresee the mournful condition we now deplore, with the One-Man Power lording itself through all the offices of the country.

The recent election in North Carolina made this practically manifest. Even without a telescope, all could discern the operations of the field. Postmasters and officers of Internal Revenue were on hand, each in his place; then came the Marshal, with files of deputies, extemporized for the occasion; while, ranging over the extensive circuit, was the Supervisor of the Revenue; the whole instructed and animated by members of the Cabinet, who abandoned their responsible duties to help reëlection, which for the time was above all departments of Government and all exigencies of the public service. In the same way the chief Custom-Houses of the country

[1] Letter to Madison, March 15, 1789: Writings, Vol. III. p. 5.

have been enlisted. Each has become a political centre whose special object is reëlection. Authentic evidence before a Congressional Committee shows that Thomas Murphy, while Collector of New York, acting as Lieutenant of the President, sought to control the Republican State Convention by tendering office to four men, in consideration of the return of certain delegates, promising that "he would immediately send their names on to Washington and have them appointed"; and by way of enforcing the Presidential supremacy, he announced with startling effrontery that "President Grant was the representative and head of the Republican party, and all good Republicans should support him in all his measures and appointments, and any one who did not do it should be *crushed out*."[1] If this were not authenticated under oath, it would be hard to believe. But the New Orleans Custom-House has a story much worse. Here Presidential pretension is mixed with unblushing corruption, in which the Collector, a brother-in-law, is a chief actor. And all for reëlection.[2]

This prostitution of the offices of the country to the Presidential will can be upheld only by unhesitating partisan zeal, discarding reason and patriotism. Already it has been condemned in an official Report made to the House of Representatives, November 25, 1867, by Mr. Boutwell, as Chairman of the Committee on the Judiciary, and signed by him. His direct object was to arraign Andrew Johnson; but these words declare a rule applicable to all Presidents: —

[1] New York Custom-House Investigation: Senate Reports, 42d Cong. 2d Sess. No. 227, Vol. III. pp. 582, 626.

[2] See Report on Affairs in Louisiana: House Reports, 42d Cong. 2d Sess. No. 92.

"The presence and active participation of *two of the Heads of Departments* in a political convention at Philadelphia, having for its object the organization of a party to sustain the policy of the President and defeat the will of Congress and the people, and one of those functionaries the prime agent in the removals from and appointments to office for 'political reasons,' is a fact well known to the country. The like had not happened before in its history. In the view of right-minded men, it was something more than a public scandal."[1]

The Report adduces the authority of John Locke, the eminent philosopher, as declaring "the employment of 'the force, treasure, and *offices of the society to corrupt the representatives, or openly to prëngage the electors, and prescribe what manner of persons shall be chosen*,' as among those breaches of trust in the executive magistrate which amounts to a dissolution of the Government; for 'what is it,' he says, 'but to cut up the Government by the roots, and poison the very fountains of public security?'"[2] But all this we witness here. The offices are employed to preëngage the electors, and prescribe the persons to be chosen. Nor do I see any corrective of this undoubted abuse, especially after the example now set in high quarters, so long as the President is a candidate for reëlection.

Therefore, to arrest a flagrant tyranny, and to secure purity in the Government, also to save the President from himself, should this Amendment be adopted; and since Horace Greeley is known to be its strenuous supporter, we have an unanswerable reason in his behalf.

[1] House Reports, 40th Cong. 1st Sess., No. 7, p. 41.

[2] Ibid., as there condensed from the original: Two Treatises on Government, Book II. § 222.

RECONCILIATION.

From the practical question of Civil Service Reform I pass to Reconciliation, being the most important issue ever presented to the American people, — reconciliation not only between the two once warring sections, but also between the two races. This issue, so grand and beautiful, was distinctly presented, when Horace Greeley, in accepting the Republican nomination at Cincinnati, wrote these memorable words: —

"In this faith, and with the distinct understanding, that, if elected, I shall be the President, not of a party, but of the whole people, I accept your nomination, — in the confident trust that the masses of our countrymen, North and South, are eager to clasp hands across the bloody chasm which has too long divided them, forgetting that they have been enemies, in the joyful consciousness that they are, and must henceforth remain, brethren."

The issue was again presented, when thereafter the Democratic Party in National Convention, acting under an irresistible movement of the people, nominated the author of these words.

It is difficult to see how this noble aspiration can find other than a generous response. Nothing but a party spirit which forgets the obligations of Christian duty could treat it with indifference, much less make it the occasion of misrepresentation. By no effort of ingenuity or malignity can it be tortured into anything but an offer of reconciliation, while the very letter of acceptance, where it appears, declares the established supremacy of Equal Rights. Observe also that it is made only when the work of Reconstruction is ended. Here is the

[1] American Annual Cyclopædia, 1872, p. 778.

testimony of a Senator of South Carolina, in a speech in the Senate, January 22, 1872: —

"The last of the Southern States is admitted to its full privileges as a member of the brotherhood of States; the Constitutional Amendments intended to secure the principles established by the war and subsequent events have been accepted as valid. There can be no fear or danger of their being disturbed." [1]

But these things are forgotten; the Sermon on the Mount is forgotten also; the Beatitudes are put aside. A great writer of the Middle Ages, after dwelling on what is best for us, says: —

"Hence it is that not riches, not pleasures, not honors, not length of life, not health, not strength, not comeliness, was sung to the shepherds from on high, but peace." [2]

The supporters of reëlection will not hearken to this song, and the proffered hand is rejected. If not war, they would preserve at least the passions of war, and instead of peace would scatter distrust and defiance. The old fable is renewed: —

> "Emboldened now on fresh attempt he goes,
> With serpent's teeth the fertile furrows sows;
> The glebe fermenting with enchanted juice
> Makes the snake's teeth a human crop produce." [3]

For me there can be but one course on this issue, and the moment it was presented I seemed to behold, for the first time, the dawn of that better era in our country

[1] Speech of Mr. Sawyer, of South Carolina, on the Supplementary Civil Rights Bill as an Amendment to the Amnesty Bill: Congressional Globe, 42d Cong. 2d Sess., p. 490.

[2] Dante, De Monarchia, Lib. I. cap. 4.

[3] Ovid, Metamorphoses, ed. Garth, Book VII.: *The Dragon's Teeth transformed to Men*, vv. 31–34.

when the Equal Rights of All should be placed under the safeguard of assured Peace and Reconciliation. Had I failed to sympathize with this endeavor, I should have been false to the record of my life. My first public utterance, as far back as July 4, 1845, was to commend the cause of Peace, which from that early day, amidst the contentions of public duty and the terrible responsibilities of war, has never been absent from my mind. While insisting on the Abolition of Slavery, while urging Enfranchisement, while vindicating the Equal Rights of All, and while pressing Reconstruction, I have constantly declared that all these were for no purpose of vengeance or punishment, but only for the security of the citizen and the establishment of government on just foundations, and that when this was done nobody should outdo me in those generosities that become the conqueror more than his conquest.

PERSONAL RECORD.

HERE the testimony is complete. If I open it now, it is less to show the obligations which constrain me personally than to make these witnesses plead again the cause which from the beginning I have had at heart. I follow the order of time, letting each speak in a few words.

There are some among us who may remember that early speech before the Republican State Convention at Worcester, October 1, 1861, which excited at the time so much discussion, when, after calling for Emancipation, I united this cause with Peace: —

"Two objects are before us, *Union and Peace*, each for the sake of the other, and both for the sake of the country; but without Emancipation how can we expect either?" [1]

[1] *Ante*, Vol. VII. p. 268.

Thus at the beginning was I mindful of Peace.

Then again, in the same strain, at the Cooper Institute, New York, November 27, 1861, after showing Slavery to be the origin and main-spring of the Rebellion, I pleaded for Emancipation, and at the same time first sounded the key-note of Reconciliation: —

"Perversely and pitifully do you postpone that sure period of *reconciliation, not only between the two sections, not only between the men of the North and the men of the South, but, more necessary still, between slave and master,* without which the true tranquillity we all seek cannot be permanently assured. Believe it, *only through such reconciliation,* under sanction of freedom, can you remove all occasions of conflict hereafter." [1]

Thus early was reconciliation associated with my most earnest efforts; nor did I at any moment hesitate in this work.

The same spirit was manifest in opposition to perpetuating the memory of victories over fellow-citizens. The question arose on a dispatch of General McClellan, where, after announcing the capture of Williamsburg, he inquired whether he was "authorized to follow the example of other generals, and direct the names of battles to be placed on the colors of regiments." [2] This being communicated to the Senate, I felt it my duty to move, May 8, 1862, the following resolution: —

"*Resolved,* That in the efforts now making for *the restoration of the Union and the establishment of peace throughout the country,* it is inexpedient that the names of victories obtained over our fellow-citizens should be placed on the regimental colors of the United States." [3]

[1] *Ante,* Vol. VII. p. 351.
[2] Congressional Globe, 37th Cong. 2d Sess., p. 1982.
[3] *Ante,* Vol. VIII. p. 361. Congressional Globe, *ut supra,* p. 2010.

Here again was anxiety for peace. Mr. Wilson, my colleague, did not agree with me, and he made haste to introduce a counter-resolution;[1] but no further action was had upon it. The usage of civilized nations is against placing on regimental colors the names of victories gained over fellow-countrymen. In France, the most military country of the world, the principle was carefully discarded by King Louis Philippe, when, in preparing the Museum at Versailles, he excluded every picture or image of civil war. Everything to arouse and gratify the patriotic pride of Frenchmen, of all Frenchmen, is there, but nothing to exhibit Frenchmen warring with each other.

Then came the bills for Confiscation, which I supported chiefly with a view to Emancipation. While enforcing this object, May 19, 1862, I said: —

"People talk flippantly of the gallows as the certain doom of the Rebels. This is a mistake. For weal or woe, the gallows is out of the question. It is not possible as a punishment for this rebellion."

Then declaring our supreme object to be Peace, I said:

"In this work it is needless to say *there is no place for any sentiment of hate or any suggestion of vengeance.* There can be no exaction and no punishment beyond the necessity of the case, — nothing harsh, nothing excessive. Lenity and pardon become the conqueror more even than victory. 'Do in time of peace the most good, and in time of war the least evil possible: such is the Law of Nations.' These are the admirable words of an eminent French magistrate and statesman. In this spirit it is our duty to assuage the calamities of war, and especially to spare an inoffensive population."[2]

[1] Congressional Globe, *ut supra*, p. 2083.

[2] *Ante*, Vol. IX. pp. 70, 73, 74, and note. Congressional Globe, *ut supra*, pp. 2195, 2196.

Shortly afterwards, June 27th, while the same subject was under consideration, I returned to it again: —

"But I confess frankly that I look with more hope and confidence to Liberation than to Confiscation. To give freedom is nobler than to take property, and on this occasion it cannot fail to be more efficacious, for in this way the rear-guard of the Rebellion will be changed into the advance-guard of the Union. There is in Confiscation, unless when directed against the criminal authors of the Rebellion, a harshness inconsistent with that mercy which it is always a sacred duty to cultivate, and which should be manifest in proportion to our triumphs, 'mightiest in the mightiest.' *But Liberation is not harsh; and it is certain, if properly conducted, to carry with it the smiles of a benignant Providence.*" [1]

At last the country was gladdened by the Proclamation of Emancipation, which here in Faneuil Hall, October 6, 1862, I vindicated as a measure of peace; and then I said: —

"In the old war between King and Parliament, which rent England, the generous Falkland cried from his soul, *Peace! Peace!* — and History gratefully records his words. Never did he utter this cry with more earnestness than I do now. But how shall the blessing be secured?" [2]

By Emancipation, was my answer.

Then came the bill creating the Freedmen's Bureau. In opening the debate on this interesting subject, June 8, 1864, I said: —

"It is for the Senate to determine, under the circumstances, what it will do. My earnest hope is that it will do some-

[1] *Ante*, Vol. IX. p. 146. Congressional Globe, *ut supra*, p. 2965.
[2] Ibid., p. 208.

thing. The opportunity must not be lost of helping so many persons now helpless, and *of aiding the cause of Reconciliation, without which peace cannot be assured.*" [1]

Here again Reconciliation is announced as an ever-present object.

In the same spirit, I deemed it my duty to oppose the efforts made in the winter of 1865 to authorize Retaliation, differing from valued friends. The proposition for Retaliation was met by the following declaration, moved by me, January 24th: —

"The United States .... call upon all to bear witness that in this necessary warfare with Barbarism they renounce all vengeance and every evil example, and plant themselves firmly on the sacred landmarks of Christian civilization, under the protection of that God who is present with every prisoner, and enables heroic souls to suffer for their country." [2]

Then came the effort, favored by President Lincoln, to receive Louisiana with a Constitution which failed to recognize the equal rights of colored fellow-citizens. Here again, February 25th, I encountered the proposition by a resolution, where it is declared: —

"That such an oligarchical government is not competent at this moment to discharge the duties and execute the powers of a State; and that its recognition as a legitimate government will tend to enfeeble the Union, *to postpone the day of Reconciliation*, and to endanger the national tranquillity." [3]

[1] *Ante*, Vol. XI. p. 320. Congressional Globe, 38th Cong. 1st Sess., p. 2800.

[2] *Ante*, Vol. XII. p. 76. Congressional Globe, 38th Cong. 2d Sess., p. 381.

[3] Ibid., p. 331. Congressional Globe, *ut supra*, p. 1091.

Mark, if you please, "*the day of Reconciliation.*"

Then came the question of perpetuating the memory of our victories. February 27th, the Senate having under consideration an appropriation for a picture in the National Capitol, I moved as an amendment, —

"That in the National Capitol, dedicated to the National Union, there shall be no picture of a victory in battle with our own fellow-citizens." [1]

Mr. Wilson again made haste to announce that he "disagreed with his colleague altogether," — saying, according to the "Congressional Globe," [2] "I do not believe in that doctrine."

In the eulogy on President Lincoln, pronounced before the municipal authorities of Boston, June 1, 1865, the great object of Reconciliation was presented as dependent on the establishment of our ideas. After insisting upon Emancipation and the Equal Suffrage, these words occur: —

"Such a vengeance will be a kiss of reconciliation, for it will remove every obstacle to peace and harmony. The people where Slavery once ruled will bless the blow that destroyed it. The people where the kindred tyranny of Caste once prevailed will rejoice that this fell under the same blow. They will yet confess that it was dealt in no harshness, in no unkindness, in no desire to humiliate, but simply and solemnly, in the name of the Republic and of Human Nature, for their good as well as ours, — ay, for their good more than ours.

"By ideas, more than by armies, we have conquered. The sword of the Archangel was less mighty than the mission he bore from the Lord. But if the ideas giving us the victory are now neglected, if the pledges of the Declaration, which

[1] *Ante*, Vol. XII. p. 203. Congressional Globe, *ut supra*, p. 1126.
[2] Ibid.

the Rebellion openly assailed, are left unredeemed, then have blood and treasure been lavished for nought."

Then I proceeded to ask: —

"How shall these ideas be saved? How shall the war waged by Abraham Lincoln be brought to an end, *so as to assure peace, tranquillity, and reconciliation?*" [1]

In the speech at Worcester, before the Republican State Convention, September 14, 1865, I insisted upon guaranties for the national freedman and the national creditor; and until these were accomplished, proposed to exclude the Rebel from political power: —

"I ask not his punishment. I would not be harsh. There is nothing humane that I would reject. Nothing in hate. Nothing in vengeance. Nothing in passion. I am for gentleness. I am for a velvet glove; but for a while I wish the hand of iron. I confess that I have little sympathy with those hypocrites of magnanimity whose appeal for the Rebel master is only a barbarous indifference towards the slave; *and yet they cannot more than I desire the day of Reconciliation.*" [2]

Thus constantly did this idea return.

And yet again, in a letter to the "Evening Post" of New York, dated September 28, 1865, after insisting upon "supplementary safeguards" for the protection of the freedman, I used these words: —

"Without this additional provision, I see small prospect of *that peace and reconciliation which are the objects so near our hearts.*" [3]

Again it appeared in a telegraphic dispatch to President Johnson, dated November 12, 1865, and afterwards

[1] *Ante*, Vol. XII. pp. 291, 292. [2] Ibid., p. 471. [3] Ibid., p. 492.

published. Asking the President to suspend his "policy towards the Rebel States," I said: —

"I should not present this prayer, if I were not painfully convinced that thus far it has failed to obtain any *reasonable guaranties for that security in the future which is essential to peace and reconciliation.* . . . . The Declaration of Independence asserts the equality of all men, and that rightful government can be founded only on the consent of the governed. I see small chance of peace, unless these great principles are practically established. Without this, the house will continue divided against itself." [1]

Here Reconciliation is associated with Reconstruction on the basis of the Equality of All Men.

Shortly afterwards, in the "Atlantic Monthly" for December, 1865, p. 758, I pleaded again: —

"The lesson of Clemency is of perpetual obligation. . . . . Harshness is bad. Cruelty is detestable. Even Justice may relent at the prompting of Mercy. Fail not, then, to cultivate the grace of Clemency. . . . .

"There must be no vengeance upon enemies; but there must be no sacrifice of friends. And here is the distinction never to be forgotten: *Nothing for vengeance; everything for justice.* Follow this rule, and the Republic will be safe and glorious." [2]

Then again in the Senate speech, February 5 and 6, 1866, while dwelling at length upon Equal Suffrage without distinction of color, I thus spoke for the Southern people: —

"The people there are my fellow-citizens, and gladly would I hail them, if they would permit, as no longer *a section*, no

[1] *Ante*, Vol. XIV. p. 204.
[2] *Ante*, Vol. XII. pp. 406–7.

longer *the South*, but an integral part of the Republic, under a Constitution which, knowing no North and no South, cannot tolerate *sectional* pretension. Gladly, in all sincerity, do I offer my best effort for their welfare. But I see clearly that there is nothing in the compass of mortal power so important to them in every respect, morally, politically, and economically — that there is nothing with such certain promise to them of beneficent result — that there is nothing so sure to make their land smile with industry and fertility, — as the decree of Equal Rights I now invoke. . . . . This is our retaliation. This is our only revenge." [1]

In an address at the Music Hall, in Boston, October 2, 1866, entitled "The One-Man Power *vs.* Congress," I declared that the Reconstruction I sought was one where "the Rebel region, no longer harassed by controversy and degraded by injustice, *will enjoy the richest fruits of security and reconciliation*," — and then added, "*To labor for this cause may well tempt the young and rejoice the old.*" [2]

Then, in the same address, I said: —

"Our first duty is to provide safeguards for the future. This can be only by provisions, sure, fundamental, and irrepealable, fixing forever the results of the war, the obligations of the Government, and the equal rights of all. Such is the suggestion of common prudence and of self-defence, as well as of common honesty. To this end we must make haste slowly. States which precipitated themselves out of Congress must not be permitted to precipitate themselves back. They must not enter the Halls they treasonably deserted, until we have every reasonable assurance of future good conduct. We must not admit them, and then repent our folly. . . . .

[1] *Ante*, Vol. XIII. pp. 228–29. Congressional Globe, 39th Cong. 1st Sess., p. 686.

[2] *Ante*, Vol. XIV. p. 185.

"But, while holding this ground of prudence, I desire to disclaim every sentiment of vengeance or punishment, and also every thought of delay or procrastination. Here I do not yield to the President, or to any other person. Nobody more anxious than I to see this chasm closed forever.

"*There is a long way and a short way. There is a long time and a short time.* If there be any whose policy is for the longest way or for the longest time, I am not of the number. *I am for the shortest way, and also for the shortest time.*" [1]

Then in considering Reconstruction in the Senate, March 16, 1867, I said: —

"But I ask nothing in vengeance or unkindness. All that I propose is for their good, with which is intertwined the good of all. I would not impose any new penalty or bear hard upon an erring people. Oh, no! I simply ask a new safeguard for the future, that these States, through which so much trouble has come, may be a strength and a blessing to our common country, with prosperity and happiness everywhere within their borders. I would not impose any new burden; but I seek a new triumph for civilization. *For a military occupation bristling with bayonets I would substitute the smile of Peace.*"

I then said: —

"But this cannot be without Education. As the soldier disappears, his place must be supplied by the schoolmaster. The muster-roll will be exchanged for the school-register, and our headquarters will be in a school-house."

And I accompanied this with a proposition to require in the reconstructed States "a system of public schools open to all, without distinction of race or color," which was lost by a tie vote, being 20 to 20.[2]

[1] *Ante*, Vol. XIV. pp. 185–6.

[2] Ibid., pp. 146, 158–59, 163. Congressional Globe, 40th Cong. 1st Sess., pp. 165, 167, 170.

The subject recurred again in the Senate July 13, 1867, when, after declaring regret at the inadequacy of the pending measure, especially in not securing a system of Public Education, and not excluding Rebel influence, I remarked: —

"In saying this, I desire to add, that, in my judgment, all exclusions belong to what I call *the transition period.* When Reconstruction is accomplished, the time will come for us to open the gates." [1]

In these few words will be found the ruling principle which I have recognized in Reconstruction.

The address, "Are We a Nation?" made at the Cooper Institute, November 19, 1867, testifies again to Reconciliation. After showing how the national supremacy in the guardianship of equal rights is consistent with local self-government, and vindicating the two in their respective spheres, it says: —

"There will be a sphere alike for the States and Nation. Local self-government, which is the pride of our institutions, will be reconciled with the national supremacy in maintenance of human rights, and the two together will constitute the elemental principles of the Republic. The States will exercise a minute jurisdiction required for the convenience of all; the Nation will exercise that other paramount jurisdiction required for the protection of all. *The reconciliation — God bless the word!* — thus begun will embrace the people, who, forgetting past differences, will feel more than ever that they are one." [2]

Then again, in addressing the Republican State Convention at Worcester, September 22, 1869, I said: —

[1] *Ante*, Vol. XV. p. 208. Congressional Globe, *ut supra*, p. 625.
[2] *Ante*, Vol. XVI. p. 64.

"Do not think me harsh; do not think me austere. I am not. I will not be outdone by anybody in clemency; nor at the proper time will I be behind any one in opening all doors of office and trust. . . . . Who can object, if men recently arrayed against their country are told to stand aside yet a little longer, until all are secure in their rights? Here is no fixed exclusion, — nothing of which there can be any just complaint, — nothing which is not practical, wise, humane, — nothing which is not born of justice rather than victory. In the establishment of Equal Rights conquest loses its character, and is no longer conquest, —

> 'For then both parties nobly are subdued,
> And neither party loser.'" [1]

PERSONAL DUTY.

Here I suspend this testimony. Such is the simple and harmonious record, showing how from the beginning I was devoted to peace, — how constantly I longed for reconciliation, — how with every measure of Equal Rights this longing found utterance, — how it became an essential part of my life, — how I discarded all idea of vengeance or punishment, — how Reconstruction was to my mind a transition period, — and how earnestly I looked forward to the day, when, after the recognition of Equal Rights, the Republic should again be one in reality as in name. If there are any who ever maintained a policy of hate, I was never so minded; and now in protesting against any such policy, I only act in obedience to the irresistible promptings of my soul.

In embracing the opportunity unexpectedly presented at this election, I keep myself still in harmony with the past. Unable to vote a second time for President Grant,

[1] *Ante*, Vol. XVII. pp. 115-16.

and confident that the choice of Horace Greeley will tend to assure that triumph of peace which has occupied so much of my desires, it only remains to vote for him. I would not expect too much; but, knowing something of the spirit in which the Democratic party has adopted him as its candidate, and knowing something also of his eminent character, I cannot doubt that with his election there will be a new order of things, where the harsh instrumentalities of power will yield to a sentiment of good-will, and surviving irritations will be lost in concord. The war is ended. There must be an end also to belligerent passions; and the freedman, assured in rights, must enter upon a new career of happiness and prosperity. Such, at least, is the object I now seek. Even those differing from me in faith at this critical moment will not deny that such a result would mark an epoch in American history. And now, in the hope of its accomplishment, I forget personal consequences, and think only of the inestimable good.

PREJUDICE AND INVENTION.

The partisans of Reëlection, resorting to prejudice and invention, insist, first, that the Democratic party, which has adopted as its candidate an original Republican on a Republican platform, will prove untrue, and, secondly, that the candidate himself will prove untrue, — as if the Democratic party were not bound now to the very principles declared at Philadelphia, without the viscous alloy of Grantism, and as if the life and character of the candidate were not a sufficient answer to any such slander.

ADHESION OF THE DEMOCRATIC PARTY.

Evidently there are individuals, calling themselves Democrats, who feel little sympathy with the movement, and there are others who insist upon the old hates, whether towards the North or towards the freedman. Unhappily, this is only according to human nature. It must be so. Therefore, though pained in feeling, my trust is not disturbed by sporadic cases cited in newspapers, or by local incidents. This is clear: in spite of politicians, and against their earnest efforts, the people represented in the Democratic Convention adopted a Republican nomination and platform. Baltimore answered to Cincinnati. A popular uprising, stirred by irresistible instinct, triumphed over all resistance. The people were wiser than their leaders, — illustrating again the saying of the French statesman, so experienced in human affairs, that above the wisdom of any individual, however great, is the wisdom of all. But this testifies to that Providence which shapes our ends:

> "So Providence for us, high, infinite,
> Makes our necessities its watchful task."

Plainly in recent events there has been a presiding influence against which all machinations have been powerless. Had the Convention at Philadelphia nominated a good Republican, truly representing Republican principles without drawback, there is no reason to believe that Horace Greeley would have been a candidate. The persistence for President Grant dissolved original bonds, and gave practical opportunity to the present movement. The longing for peace, which in existing antagonisms of party was without effective expression, at last found free course.

Accordingly the original Republican who had announced himself ready to "clasp hands" in peace was accepted on a Republican platform, declaring support of the three Constitutional amendments, and placing in the foreground the great truth that all men are equal before the law. Such is the historic fact. That the party will be disloyal to this act, that it will turn its back on its covenants, and seek through a Republican President to reverse these safeguards, or in any way impair their efficacy, is not only without probability, but to imagine it is absolutely absurd.

Beyond the unequivocal adhesion of the party in its corporate capacity is that of eminent members who volunteer as individuals in the same declarations, so that personal pledge unites with party obligation. I quote two instances at hand.

Mr. Hendricks, so well known for his service in the National Senate, said recently in the Democratic State Convention of Indiana, on his nomination for Governor: —

"We have this day substantially turned our backs upon the Past. We now stand in the Present, and look forward to the great Future. The Past is gone."

Nobody in the country can speak for his party with more authority; nor could there be better words to denote the change that has occurred.

Mr. Kerr, also of Indiana, an able Democratic Representative in Congress, and now Congressional candidate at large, bears the same testimony. In a recent speech this distinguished Democrat says: —

"The best impulse, the most patriotic sentiment, the most intelligent judgment of the wisest and the best men of the

country now demand that the accomplished results of our great civil war, as they are crystallized in the Amendments to the Constitution, shall stand as parts of the fundamental law of the country, to be obeyed and maintained in good faith, without evasion, denial, or diminution, in favor of all classes of the people. The Democratic party, in the most authoritative and solemn manner, accepts this judgment."

Nothing could be more complete. All the Amendments are "to be obeyed and maintained in good faith, without evasion, denial, or diminution, in favor of all classes of the people"; and this is the covenant of the Democratic party, countersigned by their Representative. Not content with this unequivocal adhesion, the speaker proceeds: —

"Any intelligent citizen, in public or private life, who charges that the Democratic party, if invested with power, would reëstablish slavery, or pay for slaves, or assume or pay Confederate debts, and take suffrage from colored men, or do other acts in defiance of the Constitution, must be a hypocrite and a demagogue, and he can have no higher aim than to slander and deceive."

It is easy to pardon the indignation with which this Democrat repels the calumnies employed to sow distrust.

In strictest harmony with these authorities is the public press entitled to speak for the Democratic party. Out of innumerable testimonies I content myself with two.

The Cincinnati "Enquirer," a leading Democratic journal, of August 1st, alluding to myself, says: —

"His confidence in the honor of the Democratic party is not misplaced. It will stand by the position which it as-

sumed at Baltimore, and maintain it under any and all circumstances. Upon that he may depend."

Then again the same Democratic organ says: —

"It pleases some of the Grant papers to speak of Mr. Greeley as a Democratic candidate, because he was nominated by a Democratic Convention. They ignore the fact that he had been previously nominated by a Republican Convention, — that he has always been a Republican, and never cast a Democratic ballot in his life. None of them have answered our query, whether they would have considered General Grant the Democratic candidate, if he had been nominated at Baltimore; and if not, why do they make the difference between him and Greeley?"

The Washington "Patriot," the Democratic journal at the national capital, of August 7th, thus explicitly pronounces: —

"The Democratic party have loyally and honorably conditioned to uphold the Cincinnati platform and all its obligations. *They mean to fulfil that bond in good faith and to the last letter.* Hence not a word was altered at Baltimore, not a letter changed, not a comma erased. *We took it in the exact sense and in all the spirit of the several declarations, with entire knowledge of the duty which they enjoined, and an honest purpose to perform it at any cost.* So far from regarding that acceptance as a sacrifice, it was welcomed everywhere with joy."

Are these speakers and these newspapers united in conspiracy to deceive, or are they dupes? Spurning the idea of dishonest conspiracy, I cannot doubt that they believe what they say, and that what they say is true. Again I insist that the sallies of local disaffection or of personal brutality, however painful or discreditable,

cannot interfere to change the open adhesion of the party, followed by declarations so authentic in form. On this open adhesion and these declarations I act, and to the complete fulfilment of all the obligations assumed I feel that I may confidently hold the party.

MOTIVES TO KEEP THE DEMOCRATIC PARTY TRUE.

But why should the Democratic party be untrue to the covenants it has assumed? This imputation, so insulting to a great political organization, and to the distinguished members who have openly united in its adhesion, cannot be accepted without some ground of reason, or at least of presumption. But all reason and every presumption are the other way. Men act according to their supposed interests,—this is a law of human nature; but every interest of former Rebels is for peace. Under the influence of uncontrolled passion, and for the sake of Slavery, they went into rebellion; but now that passion has abated and Slavery has ceased, they see that nothing is gained by prolonging the animosities it engendered. Peace has become their absorbing interest. So obvious is the advantage from this assured possession, that it is unreasonable to suppose them indifferent when it is within reach; it is absurd to imagine them professing peace as a cover for war,—war in which they know they must fail. This explains the promptitude with which they seized the opportunity now presented. At once they declared their desire and offered the hand of fellowship, at the same time announcing their acceptance of those great measures by which the Equal Rights of All are assured.

The motives naturally governing former Rebels, in

accepting Horace Greeley and a Republican platform, are plain. There is, first, the general prostration of their region, which they would see improved; but this can be only by the establishment of peace undisturbed, so that all men, white and black, may live in security. This is an essential condition. Violence breeds a kindred crop; nor can distrust exist without detriment to all. Let either appear, and the most fertile fields will fail in productive power. Men will not mingle their sweat with the soil, becoming colaborers with the sun, — they will not sow and plough, — unless assured in the enjoyment of what the generous earth is ready to yield. Above all, those truest allies so essential to prosperous industry, capital and immigration, will turn away from the land that is not blessed by peace. Security is a constant invitation and encouragement. There must be security in all things, — security in life, security in property, and security in rights, including Liberty and Equality, the great promises of the Declaration of Independence. Let any of these be in any peril, let any shadow rest upon their enjoyment, and the whole community must suffer. Therefore by the impulse of self-interest, now clearly manifest, are the people of the South moved to the present effort for peace.

This same motive assumes another form in the desire to escape from existing misrule, which has left such traces in the disordered finances of the Southern States. So colossal has been the scale of plunder that even authentic report seems like fable. Second only to the wide-spread devastations of war are the robberies to which these States have been subjected, — I am sorry to say, under an Administration calling itself Republican, at Washington, and with local governments deriv-

ing their animating impulse from the party in power, with the President as its dominant head. Surely the people in these communities would have been less than men, if, sinking under the intolerable burden, they did not turn for help to a new party, promising reform and honesty. They have seen custom-houses used to maintain the plunderers in power; they have seen all available political forces pressed to procure the renewed rule of the President under whom they have suffered so much; and they have seen this very President teach by example that every office-holder should begin by looking out for himself. It would be a wonder, if they did not join the present movement and maintain its declared purposes to the end.

It is easy to see that under these promptings, where personal and local interests were so strong, Horace Greeley was commended as a candidate, and then sincerely accepted. They knew him as the steadfast enemy of Slavery so long as it existed, dealing against it hard and constant blows; they knew him as the faithful ally of the freedman, insisting promptly upon his equal right to suffrage, which he vindicated with persuasive power; and they knew him also as the devoted friend of the colored race, never failing in effort for their welfare: but they knew also that he was a lover of peace and honesty, whose soul had been transfigured in works, and that, as sincerely as he had striven for the colored race, he now strove to mitigate those other burdens which had reduced them to a new slavery, being a debt which was like chain and manacle upon their industry; and they were assured that with *him* the great office for which he is a candidate would be a trust and not a personal perquisite, so that his example would be constant

testimony to industry, integrity, and fidelity in the discharge of public duties, thus fixing a standard for all. These things being evident, how could they hesitate?

FAITH IN HORACE GREELEY.

The partisans of Reëlection dwell much on the position and character of Mr. Greeley, insisting that he cannot be trusted in the Presidency, — partly because helped into power by Democrats, and partly from an alleged want of stability. It is difficult to hear these barefaced allegations, in utter disregard of the prodigious testimony afforded by his long career, without wonder at the extent to which prejudice and invention can be carried. Had he been presented at Philadelphia with the saving sanction of a regular nomination, the same partisans who now seek to exhibit him as a tool or an imbecile would dwell with pride on his eminent qualities, making him, by the side of his competitor, an angel of light. Knowing them both, his superiority I may affirm. To say that under him Slavery can in any way be revived, or that the Rebel debt or the pension of Rebel soldiers or compensation for slaves can find favor, or that the equal rights of the freedmen, to which he is so solemnly pledged, can in any way be impaired, — all this is simply atrocious. Nothing of the kind can be done without violation of the Constitution as amended, — not to speak of the departure from that rule of life which he has ever followed. There is no Democrat sympathizing with his nomination who would not spurn the infamous treachery. I dismiss the whole partisan extravagance to the contempt it deserves.

The imputation that his election will be the return to

power of the old Democratic party is much like saying that he will cease to be himself, and that his surpassing individuality, making him so conspicuous, will be lost. They who make the imputation forget that this old party, if it has not ceased to exist, is changed in character. Standing on a Republican platform, and with a Republican candidate, it may look the Republican party in the face, claiming for itself the Future, if not the Past. Plainly it is not that Democratic party against which Republicans have contended. If Democrats have influence with Horace Greeley, it will be because they have sincerely placed themselves by his side on a platform which distinctly announces all that Republicans have ever claimed.

Against all pretended distrust I oppose the open record of his life. By this let him be judged. And here it will be observed, that, while sometimes differing from others in methods, he has never, at any moment, ceased to be a champion, being always the same. Here is a private letter, which has only recently appeared, being a gleam of sunlight from his soul, which the dark days of the war could not quench: —

OFFICE OF THE TRIBUNE,
NEW YORK, June 26, 1863.

MY DEAR SIR, — In God's good time this is to be a land of real freedom, where equal rights and equal laws shall banish rebellion, treason, and riot, and all manner of kindred diabolisms. I hardly hope to live to see that day, but hope that those who may remember me, when I am gone, will believe that I earnestly tried to hasten its coming.

Yours, HORACE GREELEY.

To suppose, that, under any circumstances of pressure or temptation, he can fail in loyalty to the cause he has

served so constantly, is an offence to reason and to decency. In his two letters of acceptance this loyalty is nobly conspicuous. Replying to the nomination at Cincinnati, he drew the wise line between "local self-government" and "centralization," asserting the former as our true policy, "*subject* to our solemn constitutional obligation to maintain the equal rights of all citizens,"[1] — thus placing these under national safeguard, and making them absolutely the same in all parts of the country. Replying to the nomination at Baltimore, made after the enunciation of this master principle, he announces his "hope and trust that the first century of American Independence will not close before the grand elemental truths on which its rightfulness was originally based by Jefferson and the Continental Congress of 1776 will have become the universally accepted and honored foundations of our political fabric."[2] And thus is his great record crowned.

Living so entirely in the public eye, all know his life, which speaks for him now. Who so well as himself could stand the trial? The "Tribune," in its career of more than thirty years, speaks for him also. Those opponents who in the work of disparagement assert that he wants executive ability, I point to this journal, begun by Horace Greeley in 1841, without partner or business associate, with a cash capital of only one thousand dollars, and with but six hundred subscribers. And yet, under his individual effort, by his amazing industry and through his rare intelligence, with his determined nature animating all, the enterprise prospered, until he found himself at the head of one of the first newspapers of the world, completely organized intellectually and mechani-

[1] American Annual Cyclopædia, 1872, p. 778. [2] Ibid., p. 782.

cally, with writers for every subject, with correspondents everywhere at home and abroad, and with a constantly increasing influence never surpassed in newspaper history. A President with the ability that did all this would impart new energy to the public service, impressing it with his own faithful character, and assuring, on a larger scale, a corresponding success, so that the whole country would be gainer. Again, those opponents who assert that Horace Greeley wants fidelity, or that he can be easily swayed against life-long convictions, I point to this same journal, which from the beginning, and throughout the whole course of its existence, has been an unwavering representative of the liberal cause, foremost always in warfare with Slavery, prompt in support of reform, inflexible in honesty, and a beacon-flame to all struggling for human advancement.

Not to put faith in Horace Greeley is to act not only without evidence, but against evidence so manifest and constant in unbroken continuity as to seem like a law of Nature. As well distrust the sun in its appointed course.

ANSWER TO TWO OBJECTIONS.

Such is the easy answer to objectors who cry out, that Democrats uniting with Republicans on a Republican platform cannot be trusted, and that the candidate himself cannot be trusted. The wantonness of partisanship is too apparent in this pretension. I have considered it carefully, as a lover of truth, and you have my conclusion. Therefore do I say, Be not deterred from voting for Horace Greeley because Democrats will also vote for him, but rather rejoice. Their votes will be a new bond of peace, and a new assurance for the great

principles declared by our fathers at our birth as a nation.

THE OLIVE-BRANCH AND EQUAL RIGHTS.

And has not the time arrived when in sincerity we should accept the olive-branch? Is it not time for the pen to take the place of the sword? Is it not time for the Executive Mansion to be changed from a barrack cesspool to a life-giving fountain? Is it not time for a President who will show by example the importance of reform, and teach the duty of subordinating personal objects to the public service? Is it not time for the Head of the National Government to represent the idea of peace and reconciliation, rather than of battle and strife? Is it not time for that new era, when ancient enemies, forgetting the past, shall "clasp hands" in true unity with the principles of the Declaration of Independence as the supreme law? Deploring the fate of Poland and of Ireland, I seize the earliest moment to escape from similar possibility here. Mindful that the memories of the Past can only yield to a happy Present, something would I do to promote this end. Anxious for the Equal Rights of All, and knowing well that no text of Law or Constitution is adequate without a supporting sentiment behind, I cannot miss the opportunity afforded by the present election of obtaining this strength for our great guaranties.

Reconstruction is now complete. Every State is represented in the Senate, and every District is represented in the House of Representatives. Every Senator and every Representative is in his place. There are no vacant seats in either Chamber; and among the members are fellow-citizens of the African race. And amnesty,

nearly universal, has been adopted. In this condition of things I find new reason for change. The present incumbent knows little of our frame of government. By military education and military genius he represents the idea of Force; nor is he any exception to the rule of his profession, which appreciates only slightly a government that is not arbitrary. The time for the soldier has passed, especially when his renewed power would once more remind fellow-citizens of their defeat. Victory over fellow-citizens should be known only in the rights it assures; nor should it be flaunted in the face of the vanquished. It should not be inscribed on regimental colors, or portrayed in pictures at the National Capitol. But the present incumbent is a regimental color with the forbidden inscription; he is a picture at the National Capitol recalling victories over fellow-citizens. It is doubtful if such a presence can promote true reconciliation. Friendship does not grow where former differences are thrust into sight. There are wounds of the mind as of the body; these, too, must be healed. Instead of irritation and pressure, let there be gentleness and generosity. Men in this world get only what they give, — prejudice for prejudice, animosity for animosity, hate for hate. Likewise confidence is returned for confidence, good-will for good-will, friendship for friendship. On this rule, which is the same for the nation as for the individual, I would now act. So will the Republic be elevated to new heights of moral grandeur, and our people will manifest that virtue, "greatest of all," which is found in charity. Above the conquest of others will be the conquest of ourselves. Nor will any fellow-citizen suffer in rights, but all will find new safeguard in the comprehensive fellowship.

NO NAMES OF BATTLES WITH FELLOW-CITIZENS ON THE ARMY-REGISTER OR THE REGIMENTAL COLORS OF THE UNITED STATES.

BILL IN THE SENATE, December 2, 1872.

DECEMBER 2, 1872, Mr. Sumner asked, and by unanimous consent obtained, leave to bring in the following bill, which was read twice and ordered to be printed : —

A BILL to regulate the Army-Register and the Regimental Colors of the United States.

WHEREAS the national unity and good-will among fellow-citizens can be assured only through oblivion of past differences, and it is contrary to the usage of civilized nations to perpetuate the memory of civil war: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the names of battles with fellow-citizens shall not be continued in the Army-Register, or placed on the regimental colors of the United States.

TRIBUTE TO HORACE GREELEY.

Remarks intended to be made in the Senate, in seconding a Motion for Adjournment on the Occasion of Mr. Greeley's Funeral, December 3, 1872.

The death of Mr. Greeley at the close of the canvass in which nearly three millions of his fellow-citizens had given him their suffrages for the Presidency, seemed, in the view of leading Senators on both sides, to require from their body a respectful recognition of the day appointed for his funeral; and it was accordingly arranged that a motion for adjournment on this occasion should be offered by Mr. Fenton, of New York, and seconded by Mr. Sumner, with appropriate remarks by each. But a dominant party-spirit, by recourse to parliamentary tactics, prevented its introduction, and the day passed without notice. The remarks designed by Mr. Sumner were as follows: —

MR. PRESIDENT, — I have been requested to second this motion. One word, if you please. A funeral will take place to-morrow, on which the eyes of the nation will rest, while innumerable hearts throb with grief, and the people everywhere learn the instability of life and the commandment of charity. It is proper, therefore, for the representatives of the nation to suspend labor, that they too may be penetrated by the lesson of the day. More for them than the illustrious dead is this needed. He is gone beyond any earthly call; we remain. Duties are always for the living; and now, standing at the open grave of Horace Greeley,

we are admonished to forget the strifes of party, and to remember only truth, country, and mankind, to which his honest life was devoted. In other days the horse and armor of the departed chieftain have been buried in the grave where he reposed. So, too, may we bury the animosities, if not the badges, of the past. Then, indeed, will there be victory for the dead which all will share.

RELIEF OF BOSTON.

Remarks in the Senate, December 12, 1872.

The subject under consideration was a bill from the House providing for a drawback of the duties on all materials imported into Boston for the rebuilding of that portion of the city laid waste by the recent conflagration, — with amendments, including one excepting lumber, proposed by the Committee on Finance, to whom the bill had been referred.

Mr. Sumner said: —

MR. PRESIDENT, — Hoping that the Senate will not be less generous than the House of Representatives, I trust that we shall take the bill as it comes from the House, voting down the amendments reported by our Committee.

I hear it said by the Senator from Michigan [Mr. Ferry] that the bill will be a bad precedent; and the same argument is repeated, with variety of illustration, by my excellent friend the Senator from Vermont [Mr. Morrill]. Sir, is it not too late to correct the precedent? You already have the case of Portland and the case of Chicago; I am sorry that you must now add the case of Boston. Call it a bad precedent. It can only be applicable in a parallel case, and I do not believe such cases can occur often. The fire-fiend latterly has been very busy in our land; but he cannot always be so; at least I have a well-founded trust that by proper pre-

caution, if not also by better fortune, we shall escape from his visitations. I put aside, therefore, the argument that this is a bad precedent. It can be called into activity only in a similar case; and when a similar case occurs, I am ready for its application. Let any other metropolis sit like Boston in ashes, and I hope there will be no hesitation in extending to it a friendly hand.

It is not fair to call up the smaller losses that may occur in smaller places, for the simple reason that such losses are not within the reach of Congress by any ordinary exercise of its powers. It is only where the loss is great, as in the familiar cases before us, that there is opportunity for Congress. An ancient poet says: "Nor should the Divinity intervene, unless the occasion be worthy."[1] I would say, Nor should Congress interfere, unless the case be such as to justify the exercise of extraordinary powers. Obviously such an occasion does not occur except where the scale of loss is great.

Then, again, the Senator from Michigan reminded us of the exception of lumber in the bill for the relief of Chicago; but he vindicated that exception by facts which do not occur in the present case. He said, as we all know, that Michigan was also a sufferer at that calamitous moment; and he did not think it right, therefore, that the peculiar interests of his State should be called to contribute even to the great losses of Chicago. I do not say that the Senator was not entirely right in that position. Certainly the case as presented by him is entirely reasonable. Had I had the honor to represent Michigan at the time, I know not that I should have acted otherwise than he did. But I call attention to

[1] "Nec Deus intersit, nisi dignus vindice nodus inciderit." — HORAT., *De Arte Poetica*, 191-92.

the point, as presented by him, that no such case exists now. Michigan is not a sufferer; Maine is not a sufferer; nor is any part of our country which contributes timber to our business a sufferer. Therefore is there no reason for introducing this exception. The reason failing, the exception should fail also. I hope, therefore, that the Senate will keep the bill in that respect precisely as it came from the House.

Then my friend from Vermont suggests that this bill is practically an invitation to the people of Boston to go to Europe and elsewhere in order to find workmen. He seemed frightened at the possibility. I think my friend sees too often the question of protection to American industry, and makes himself too unhappy on this account. I hope that this bill will be considered without any question of protection. Let the people of Boston go where they can buy cheapest in order to meet their great calamity; and if it be to their neighbor British provinces, I hope my friend from Vermont will not interfere to prevent it.

THE LATE HON. GARRETT DAVIS, SENATOR OF KENTUCKY.

Remarks in the Senate on his Death, December 18, 1872.

MR. PRESIDENT, — I was a member of the Senate, when, in 1861, our departed Senator entered it; and I was to the end the daily witness of his laborious service. Standing now at his funeral, it is easy to forget the differences between us and remember those things in which he was an example to all.

Death has its companionship. In its recent autumn harvest were Garrett Davis, William H. Seward, and Horace Greeley. Seward was the precise contemporary of Davis, each beginning life with the century and dying within a few days of each other. Always alike in constancy of labor, they were for the larger part of this period associated in political sentiment as active members of the old Whig party. But the terrible question of Slavery rose to divide them. How completely they were on opposite sides I need not say. Horace Greeley was ten years the junior, but he was the colleague and peer of Garrett Davis in devotion to Henry Clay. In the whole country, among all whose enthusiastic support he aroused, there was no one who upheld the Ken-

tucky statesman with more chivalrous devotion than these two. Here they were alike, and in the record of life this signal fidelity cannot be forgotten. It was to the honor of Henry Clay that he inspired this sentiment in such men, and it was to their honor that they maintained it so truly. Kindred to truth is fidelity.

At his death, Garrett Davis was our Congressional senior, having entered the other House as early as 1839, after previous service of six years in the Legislature of Kentucky. For eight years he sat as Representative, and then, after an interval of thirteen years, he was for nearly twelve years Senator. During this long period he was conspicuous before the country, dwelling constantly in the public eye. How well he stood the gaze, whether of friend or foe, belongs to his good name.

All who knew him in the Senate will bear witness to his wonderful industry, his perfect probity, and the personal purity of his life. No differences of opinion can obscure the fame of these qualities, or keep them from being a delight to his friends and an example to his country. Nor can any of us forget how, amid peculiar trials, he was courageous in devotion to the National Union. No pressure, no appeal, no temptation, could sway him in this patriotic allegiance. That fidelity which belonged to his nature shone here as elsewhere. He was no holiday Senator, cultivating pleasure rather than duty, and he was above all suspicion in personal conduct. Calumny could not reach him. Nothing is so fierce and unreasoning as the enmities engendered by political antagonists; but even these never questioned that he was at all times incorruptible and pure. Let this be spoken in his honor; let it be written on his

monument. Nor can the State that gave him to the national service and trusted him so long fail to remember with pride that he was always an honest man.

With this completeness of integrity there was a certain wild independence and intensity of nature which made him unaccommodating and irrepressible. Faithful, constant, devoted, indefatigable, implacable, he knew not how to capitulate. Dr. Johnson, who liked "a good hater,"[1] would have welcomed him into this questionable fellowship. Here I cannot doubt. Better far the opposite character, and even the errors that may come from it. Kindred to hate is prejudice, which was too often active in him, seeming at times, especially where we differed from him, to take the place of reason. On nothing was this so marked as Slavery. Here his convictions were undisguised; nor did they yield to argument or the logic of events. How much of valuable time, learned research, and intellectual effort he bestowed in support of this dying cause, the chronicles of the Senate attest. How often have we listened with pain to this advocacy, regretting deeply that the gifts he possessed, and especially his sterling character, were enlisted where our sympathies could not go! And yet I cannot doubt that others would testify, as I now do, that never on these occasions, when the soul was tried in its depths, did any fail to recognize the simplicity and integrity of his nature. Had he been less honest, I should have felt his speeches less. Happily, that great controversy is ended; nor do I say anything but the strict truth, when I add that now we bury him who spoke last for Slavery.

[1] Anecdotes of the late Samuel Johnson, LL.D., during the last Twenty Years of his Life, by Hesther Lynch Piozzi, (London, Cadell, 1786,) p. 83.

Time is teacher and reconciler; nor is it easy for any candid nature to preserve a constant austerity of judgment toward persons. As evening approaches, the meridian heats lose their intensity. While abiding firmly in the truth as we saw it, there may be charity and consideration for those who did not see it as we saw it. A French statesman, yet living, whose name is indissolubly connected with the highest literature, as well as with some of the most important events of his age, teaches how with the passage of life the judgment is softened toward others. "The more," says M. Guizot, "I have penetrated into an understanding and experience of things, of men, and of myself, the more I have perceived at the same time my general convictions strengthen and my personal impressions become calm and mild. Equity, I will not say toleration for the faith of others, in religion or politics, has come to take place and grow by the side of tranquillity in my own faith. It is youth, with its natural ignorance and passionate prejudices, which renders us exclusive and biting in our judgments of others. In proportion as I quit myself, and as time sweeps me far from our combats, I enter without difficulty into a serene and pleasant appreciation of ideas and sentiments which do not belong to me." Even if not adopting these words completely, all will confess their beauty.

Here let me be frank. Nothing could make any speech for Slavery tolerable to me; but when I think how much opinions are determined by the influences about us, so that a change of birth and education might have made the Abolitionist a partisan of Slavery and the partisan of Slavery an Abolitionist, I feel, that, while always unrelenting toward the wrong, we cannot

be insensible to individual merits. In this spirit I offer a sincere tribute to a departed Senator, who, amid the perturbations of the times, trod his way with independent step, and won even from opponents the palm of character.

EQUALITY IN CIVIL RIGHTS.

LETTER TO THE COMMITTEE OF ARRANGEMENTS FOR THE CELEBRATION OF THE ANNIVERSARY OF EMANCIPATION IN THE DISTRICT OF COLUMBIA, APRIL 16, 1873.

THE long procession stopped before Mr. Sumner's house, where one of the bands played "Auld Lang Syne." Arriving in front of the City Hall of Washington, they were addressed by R. T. Greene, Esq., and also by Hon. Frederick Douglass. Letters were read from President Grant, Senators Anthony, Pratt, and Sumner, Hon's Horace Maynard, B. F. Butler, A. G. Riddle, S. J. Bowen, N. G. Ordway, and A. M. Clapp. Mr. Sumner's letter was as follows: —

WASHINGTON, April 16, 1873.

DEAR SIR, — I regret that it is not in my power to be with you according to the invitation with which you have honored me. This is a day whose associations are as precious to me as to you.

Emancipation in the national capital was the experiment which prepared the way for Emancipation everywhere throughout the country. It was the beginning of the great end.

Here, as in other things, you are an example to our colored fellow-citizens in the States. Your success here will vindicate the capacity of colored people for citizenship, and your whole race will be benefited thereby.

Let me speak frankly. Much has been done, but

more remains to be done. The great work is not yet accomplished. Until your equality in civil rights is assured, the pillar of your citizenship is like the column in honor of Washington, — unfinished and imperfect. There is constant talk of finishing that column at great cost of money, but the first thing to be done is to finish the pillar of your citizenship. Here I shall gladly work; but I trust that you will all work likewise, nor be content with anything less than the whole.

Accept my thanks and best wishes, and believe me, dear Sir,

Faithfully yours,

CHARLES SUMNER.

TO THE CHAIRMAN.

EQUAL RIGHTS OF COLORED FELLOW-CITIZENS IN NORMAL SCHOOLS.

LETTER READ AT A PUBLIC MEETING IN WASHINGTON, JUNE 22, 1873.

A PROPOSITION in the Legislature of the District of Columbia, opening the Normal School without distinction of color, failed through the vote of a colored member, which was the occasion of the following letter, written in reply to an inquiry. The letter was read by the chairman of a public meeting of colored citizens on the evening of June 30, 1873, who said he had conferred with distinguished gentlemen, legal and otherwise, regarding the right of the District Legislature to pass such a bill, and all had stated that their power was unquestionable. He had addressed a letter to the Hon. Charles Sumner upon that question, and had received the following reply: —

WASHINGTON, June 22, 1873.

DEAR SIR, — In reply to your inquiry, I have no hesitation in saying that in my judgment the right of the District Legislature to provide a normal school where there shall be no distinction of color is beyond doubt. To call it in question is simply ridiculous.

Having the right, the duty of the Legislature is clear as sunshine. It must open the school to all, without distinction of color. Should any persons be shut out from this right on the wretched apology of color, I trust

they will make their indignation felt by the guilty authors of the outrage.

I write plainly, because the time has come for those who love justice to speak out. Too long have colored fellow-citizens been deprived of their rights; they must insist upon them.

Faithfully yours,

CHARLES SUMNER.

THE PRESIDENT OF HAYTI AND MR. SUMNER.

Letter in Reply to one from the Former, July 4, 1873.

The following is a translation of the Haytian President's letter: —

Republic of Hayti,
Port-au-Prince, September 24, 1872.

Sixty-Ninth Year of Independence.

Honorable Senator, — I eagerly seize the good opportunity offered me by the departure of our Minister, Citizen S. Preston, to pray you to receive the testimony of my high consideration, which does not cease to grow, by reason of the eminent services which you render daily to the noble cause of an oppressed people.

I should consider myself as failing in one of my most imperious duties, if I did not express to you the sentiments of gratitude which your name awakens in the breast of every one belonging to the African race.

In assuming the defence of the rights of this people, guided by the most generous sentiments of your rich nature, by a sincere love of justice, you have acquired an immortal title to the gratitude of all the descendants of the African race.

Please to receive this feeble expression of my high esteem for the noble character of an illustrious citizen, and believe in the depth of sentiment with which I declare myself, Honorable Senator,

Your devoted friend,

Nisage Saget.

MR. SUMNER'S REPLY.

WASHINGTON, July 4, 1873.

MR. PRESIDENT, — I cannot, at this late day, acknowledge the letter with which you have honored me, without explaining the reason of my delay.

Owing to absence in Europe, where I had gone for my health, I did not receive your valuable communication until some time in the winter, when it was put into my hands by your excellent Minister. Continuing feeble in health, I reluctantly postponed this acknowledgment. I now take advantage of convalescence to do, thus tardily, what my feelings prompted at an earlier day.

Please, Sir, accept my thanks for your generous appreciation of what I have done, and your kindness in letting me know it under your own hand. But I beg you to understand that I do not deserve the praise with which you honor me. In advocating the cause of an oppressed people I have only acted according to my conscience. I could not have done otherwise; and now my only regret is that I have done so little. I wish I had done more.

In the history of mankind the crime against the African race will stand forth in terrible eminence, — always observed, and never forgotten. Just in proportion as civilization prevails will this enormous wrong be apparent in its true character; and men will read with astonishment how human beings, guilty only of being black, were sold into slavery, and then (such was the continuing injustice towards this unhappy people) how, when slavery ceased, they were still treated with indignity by persons whose lordly pretensions were founded on the

skin only. As these things are seen in increasing light, they will be condemned in no uncertain words; nor will the denial of equal rights, on account of color, escape the judgment awarded to slavery itself. Human conduct on this question is a measure of character. Where the African race is enslaved or degraded, where it is exposed to any indignity or shut out from that equality which is a primal right to humanity, there civilization is still feeble.

To the certain triumph of civilization I look with constant hope. It is sure to come; and one sign of its arrival will be that prevailing sentiment which recognizes the perpetual obligations of equal justice to all, and the duty to repair past wrongs by compensations in the future.

In the great debt of the whites to the blacks there is a bank from which, for generations to come, the latter can draw.

Accept, Mr. President, the expression of my ardent hope for the peace, prosperity, and happiness of the Republic of Hayti, and allow me to subscribe myself with true regard,

Your faithful friend,

CHARLES SUMNER.

TO THE PRESIDENT OF THE REPUBLIC OF HAYTI.

INTERNATIONAL ARBITRATION.

Letter to Henry Richard, M. P., on the Vote in the House of Commons agreeing to his Motion for an Address to the Queen, praying Communication with Foreign Powers with a View to a General and Permanent System of International Arbitration, July 10, 1873.

United States Senate Chamber,
Washington, July 10, 1873.

MY DEAR SIR, — Few events have given me more pleasure than the vote on your motion. I thank you for making the motion; and I thank you also for not yielding to Mr. Gladstone's request to withdraw it. You were in the very position of Buxton on his motion against Slavery. He, too, insisted upon a division; and that vote led to Emancipation. May you have equal success!

I anticipate much from this vote. It will draw attention on the Continent, which the facts and figures of your speech will confirm.

I find in your speech grand compensation for the long postponement to which you have been constrained. It marks an epoch in a great cause. I know you will not rest. But this speech alone, with the signal result, will make your Parliamentary life historic. Surely Mr.

Gladstone acted under some imagined exigency of politics. He cannot, in his soul, differ from you. Honoring him much, I regret that he has allowed himself to appear on the wrong side. What fame so great as his, if he would devote the just influence of his lofty position to securing for nations the inappreciable benefits of a tribunal for the settlement of their differences!

How absurd to call your motion Utopian, if by this word is meant that it is not practical. There is no question so supremely practical; for it concerns not merely one nation, but every nation; and even its discussion promises to diminish the terrible chances of war. Its triumph would be the greatest reform of history. And I doubt not that this day is near.

Accept my thanks and congratulations, and believe me, my dear Sir,

Sincerely yours,

CHARLES SUMNER.

HENRY RICHARD, ESQ., M.P.,
LONDON.

A COMMON-SCHOOL SYSTEM IRRESPECTIVE OF COLOR.

LETTER TO THE COLORED CITIZENS OF WASHINGTON, JULY 29, 1873.

WASHINGTON, July 29, 1873.

GENTLEMEN, — I am honored by your communication of July 26th, in which, after congratulating me upon returning health, and expressing your sincere hopes that I may resume my labors in the Senate, there to take up again the cause of Equal Rights, you mention that the colored citizens of Washington are now engaged in agitating what you properly call "a common-school system for all children."

I desire to thank you for the good-will to myself which your communication exhibits, and for your hopes that I may again in the Senate take up the cause of Equal Rights. Health itself is valuable only as it enables us to perform the duties of life, and I know no present duty more commanding than that to which you refer.

I confess a true pleasure in learning that the colored people are at last rising to take the good cause into their own hands, because through them its triumph is certain. But they must be in earnest. They must insist and

labor, then labor and insist again. Only in this way can indifference, which is worse even than the stubbornness of opposition, be overcome. The open foe can be met. It is hard to deal with that dulness which feels no throb at the thought of opening to all complete equality in the pursuit of happiness.

Permit me to remind you, Gentlemen, that, living at the national capital, you have a peculiar responsibility. In the warfare for Equal Rights you are the advance guard, sometimes the forlorn hope. You are animated to move forward, not only for your own immediate good, but because through you the whole colored population of the country will be benefited. What is secured for you will be secured for all, — while, if you fail, there is small hope elsewhere. Do not forget — and let this thought arouse to increased exertion — that your triumph will redound to the good of all.

The District of Columbia is the place where all the great reforms born of the war have begun. It is the experimental garden and nursery where all the generous plants have been tried. Emancipation, colored suffrage, the right of colored persons to testify, and the right to ride in the street-cars, — all these began here, and I remember well how they were all encountered.

On the abolition of Slavery we were solemnly warned that riot, confusion, and chaos would ensue. Emancipation took place, and not a voice or sound was heard except of peace and gladness. I was soberly assured by eminent politicians, that if colored persons were allowed to vote there would be massacre at the polls. Then, again, colored testimony was deprecated, — while it was insisted that the street-cars would be ruined, if opened to colored persons. But all these changes, demanded by

simple justice, have been in every way beneficent. Nobody would reverse them now. Who would establish Slavery again? Who would drive the colored citizen from the polls? Who would exclude him from the court-room? Who would shut him from the street-cars? And now the old objections are revived, and made to do service again, in order to defeat the effort for common schools, — being schools founded on the very principle of Equal Rights recognized in the elective franchise, in the court-room, and in the street-car. If this principle is just for all the latter, — and nobody says the contrary now, — why hesitate to apply it in education? How often we are enjoined to train the child in the way he should go! Why, then, compel him in those tender years to bear the ban of exclusion? Why, at that early period, when impressions are received for life, impose upon him the badge of inferiority? He is to be a man; therefore he must be trained to that self-respect without which there can be no true manhood. But this can be only by removing all ban of exclusion, and every badge of inferiority from color.

As the old objections are revived, so again do I present the great truth announced by our fathers in the Declaration of Independence, "that all men are created equal." Admitting this principle as a rule of conduct, the separation of children in the public schools on account of color is absolutely indefensible. In abolishing it we simply bring our schools into conformity with the requirements of the Declaration.

To the objection that this change will injure the schools, I reply that this is contrary to experience in other places, where the commingling of children according to the genius of republican institutions has been found

excellent in influence. And I further reply by insisting now, as I always do, upon that justice to an oppressed race which has been too long delayed, and which never fails to be a well-spring of strength and happiness, blessing all who help it and all who receive it.

Feeling as I do on this question, you will understand that I cannot see without regret any opportunity neglected of advancing the cause, especially among colored fellow-citizens. On this they should be a unit. Wherever the question presents itself, whether in Congress, or the Legislative Chambers of the District, or the popular assembly, there should be a solid vote against every discrimination on account of color. It is easy for lawyers and politicians to find excuses according to their desires; but no fine-spun theory or technicality should be allowed to prevail against the commanding principle.

Accept my best wishes, and believe me, Gentlemen,

Your faithful friend,

CHARLES SUMNER.

HENRY PIPER, Chairman.

BOSTON: ITS PROPER BOUNDARIES.

Letter to Hon. G. W. Warren, of Charlestown, on the Annexion to Boston of the Suburban Towns, October 4, 1873.

Coolidge House, October 4, 1873.

DEAR MR. WARREN, — I should be glad to meet your friends in a conference on the question, How Boston shall be rounded so as to be in reality itself. I cannot meet with you, but I unite in your purpose, as I understand it, and especially with regard to Charlestown.

I doubt if the future Boston will be content until it holds and possesses all the territory which hugs the harbor bearing its name, so that in Boston harbor nobody shall land except in Boston.

Evidently Boston should contain all Bostonians, which it does not now. I know no better way of accomplishing this result than by widening the circle of its jurisdiction.

But there is a stronger reason. Every capital is a natural focus of life, politically, socially, and commercially; and every person living in this natural focus properly belongs to the capital. So it is with London, Paris, and Vienna, — each of which is composed of suburbs and faubourgs grouped about the original city;

and so in reality it is with Boston, — for the places about the city, though called by different names, are parts of the same unity, which needs nothing now but a common name.

A capital may be artificial or natural. The artificial body is that formed by original unchangeable boundaries. The natural body is that combination, cluster, or expansion which changes with the developments of time and to meet the growing exigencies.

With these views, I find the various processes of annexion only a natural manifestation, to be encouraged always, and to be welcomed under proper conditions of population and public opinion. I say "annexion" rather than "annexation." Where a word is so much used, better save a syllable, — especially as the shorter is the better.

Ever sincerely yours,

CHARLES SUMNER.

This letter appeared just previously to the vote on the annexion to Boston of Charlestown, West Roxbury, Brighton, and Brookline, — which was taken on the first Tuesday of October, 1873, with a favorable result as to the first three municipalities.

YELLOW FEVER AT MEMPHIS AND SHREVEPORT: AID FOR THE SUFFERERS.

Remarks before the Board of Trade at Boston, October 24, 1873.

At a meeting in aid of the sufferers by yellow fever in Memphis (Tennessee) and Shreveport (Louisiana), held at the rooms of the Board of Trade in Boston, at which the Mayor, Hon. Henry L. Pierce, presided, after remarks by Mr. Pierce and Hon. Alexander H. Rice, Mr. Sumner said: —

MR. MAYOR, — I have come less for speech than to show by my presence here the sincere interest I feel in the present meeting. For what can I say to prompt the generosity of Boston merchants? They understand this call, and their hearts have already answered it.

It is hard to hear of suffering anywhere without longing to relieve it. But happily now all impediment of distance is removed; and such are the facilities of communication that before the set of sun your contributions will brighten the faces of those distant sufferers. Do not think of distance. It is nothing. If Boston should be startled by hearing to-day that pestilence had appeared in one of our new-found possessions, as in Charlestown, — or even in Brookline, which will not be annexed, —

we should feel the ties of neighborhood. But Memphis and Shreveport are neighbors by telegraph and steam, and the grander ties of a common country, which the ancient Roman orator called the "great charity comprehending all."[1] Besides, there is that other more touching neighborhood which springs from suffering, — for I do not forget the divine hymn which teaches that

> "Our neighbor is the suffering man,
> Though at the farthest pole."[2]

In these latter days, my friends, distress has come less from pestilence than from conflagration. The Fire Fiend has been more active than the other demon, and property has suffered more than life. Such are the favoring conditions of climate and the general security of health in our country, that we are rarely disturbed by contagion. But it has come at last with the "reaper whose name is Death."

To arrest this contagion, to help those exposed to its ravages, we perform a simple duty, as when we direct water upon the bursting blaze. Pestilence is a conflagration, and human life is the sacrifice. In this illustration I bring home to Boston merchants the urgency of the present call. Too well you know the terrible scene, when your magnificent and well-filled warehouses, borrowed in style and form from Venetian palaces, were seized and devoured by the flames. But other flames, not less vindictive, are now seizing and devouring fellow-men, our fellow-countrymen, in fair and beautiful

[1] "Cari sunt parentes, cari liberi, propinqui, familiares; sed omnes omnium caritates patria una complexa est." — CICERO, *De Officiis*, Lib. I. cap. 17.

[2] Dr. William Drennan's Hymn,

> "All Nature feels attractive power."

places where all smiles but the benefactor Health. Let us do what we can to help the benefactor resume his sway.

At the close of Mr. Sumner's remarks, measures were taken for the immediate receiving of subscriptions.

THE CASE OF THE VIRGINIUS.

Letter to the Cuban Mass Meeting in New York, November 15, 1873.

The Virginius, a steamer sailing from New York under American colors, was seized on her way from Jamaica to Cuba by a Spanish cruiser, the Tornado, on the ground that she was carrying men and munitions of war to the Cuban insurgents, and a large number of those on board were summarily executed by order of the Spanish authorities in that island. The intelligence caused much excitement, especially in the City of New York, which was the centre of Cuban interests in this country. An indignation meeting was held in that City, which was countenanced by persons of high character and position, and addressed by Hon. William M. Evarts and others in speeches of great intensity. Mr. Sumner, taking a view of the case which the sober second thought of the people approved, but which was not in accord with the passions of the hour, answered an invitation to attend the meeting by the following letter :—

Boston, November 15, 1873.

GENTLEMEN, — It is not in my power to be with you at your meeting to ask for justice in Cuba.

Allow me to add, that, longing for immediate Emancipation in this neighboring island, where Slavery still shows its infamous front, and always insisting that delay is contrary to justice, I do not think it practicable at this moment, on existing evidence, to determine all our duties in the recent case where civilization has received a shock.

It is very easy to see that no indignation at dreadful butchery — inconsistent with the spirit of the age, but unhappily aroused by an illicit filibustering expedition from our own shores, kindred to that of the Alabama, for which England has been justly condemned in damages — can make us forget that we are dealing with the Spanish nation, struggling under terrible difficulties to become a sister Republic, and therefore deserving from us present forbearance and candor. Nor can we forget the noble President, whose eloquent voice, pleading for humanity and invoking our example, has so often charmed the world. The Spanish Republic and Emilio Castelar do not deserve the menace of war from us.

If watchwords are needed now, let them be: Immediate Emancipation and Justice in Cuba! — Success to the Spanish Republic! — Honor and Gratitude to Emilio Castelar! and Peace between our two Nations! Bearing these in mind, there will be no occasion for the belligerent preparations of the last few days, adding to our present burdensome expenditures several millions of dollars, and creating a war fever to interfere with the general health of the political body.

I am, Gentlemen,

Your faithful servant,

CHARLES SUMNER.

TO THE COMMITTEE.

THE SUPPLEMENTARY CIVIL-RIGHTS BILL AGAIN: IMMEDIATE ACTION URGED.

Remarks in the Senate, December 2, 1873.

MR. PRESIDENT, — If the Senate has no business before it, I think it cannot do better than to proceed to the consideration of Senate bill No. 1, the Bill Supplementary to the Civil-Rights Act.[1] It is a well-known bill, and I do not see how it will require any debate. I think its reading will be enough. Its terms are expressive; the bill proves itself. I move that the Senate proceed to its consideration.

Mr. Ferry, of Connecticut, objecting, that on the introduction of this bill, the day before, Mr. Edmunds, of Vermont, who was not now in his seat, had expressed an earnest desire that it should be referred to a committee, a feeling in which he himself sympathized, "especially because the constitutional question which was prominent in the former debate on it had been submitted to the consideration of the Supreme Court of the United States, and its decision promulgated since the Senate last met," —

Mr. Sumner replied: —

Mr. President, — This bill has been before a committee. What the committee did in the way of consideration I know not; I had not the honor of being a

[1] For this bill, see, *ante*, Vol. XIX. pp. 213, 214.

member of it. But afterward, as all know, this bill was completely, most thoroughly, considered and canvassed in this Chamber. Never in the history of our legislation was any bill more considered; never has any bill been more minutely matured. Why, then, refer it to a committee? I do not say that Senators propose delay, but it is obvious that such a reference will cause delay.

Now, Sir, I am against delay in the enactment of this measure. It should pass promptly. It is a great act of justice, to which, as I understand, the political parties of the country, in solemn convention, are pledged. Why, then, wait? Why charge a committee with this burden? Why continue on the country the burden of the injustice which this bill proposes to relieve?

We are reminded of a recent decision of the Supreme Court. I have yet to learn how that decision has any practical bearing on the present bill. I do not believe that it touches it. Why, then, interpose this delay? Why not go forward promptly, swiftly, according to the merits of this measure, and give it, like a benediction, to the land? Here are our colored fellow-citizens, many millions strong, all of whom have votes, and all unite in asking it. Your table has literally groaned under petitions presented from month to month, from year to year; and unless the bill is speedily passed, I predict that your table will groan again with similar petitions, and justly, — for our colored fellow-citizens ought to exercise that great right of petition in favor of this measure until it is finally adopted.

I am sorry that the suggestion has been made. I had hoped that there would be nothing but welcome and consideration for a measure so truly beneficent, and

which is absolutely needed to crown and complete the great work of Reconstruction.

Mr. Ferry reiterating his objections, with the remark that this bill had "in its principle been considered by the Supreme Court of the United States," and its constitutionality "substantially decided against," and to Mr. Sumner's inquiry, "When, and on what occasion?" responding, —

"In the New Orleans Slaughter-house cases ; and I have read in the newspapers of the country during the recent vacation what purported to be the opinion of the Supreme Court ; and if the paper which I read was the opinion of the Supreme Court, that court, by a majority, holds in principle that the bill which the Senator has presented is a violation of the Constitution of the United States," —

Mr. Sumner rejoined : —

Mr. President, — I would not fail in any courtesy to any Senator, especially in any courtesy to the Senator from Vermont, for whom I have all kindness and honor, but I think Senators will agree that nothing passed yesterday between us by which I am in any way constrained, so that I may not ask the Senate to proceed at once with this bill. If I could see the question as my friend from Connecticut sees it, he may be assured that I should not press the bill. I do not see it so ; but I do see that this bill is now on our table numbered *One :* it is the first bill of the Calendar. I see also that at this time the Senate has no business before it ; and should I not fail in duty, if I did not ask the Senate to proceed during this unoccupied time with a bill which I regard as so important, and which is actually the first in order, being foremost among all bills ?

But my friend from Connecticut reminds me of a recent decision of the Supreme Court. For that Court I have great respect. Personal and professional familiarity with the Court, and study of its judgments running now

for much more than a generation, incline me always to deference when its decisions are mentioned; but if I understood my friend, he relies upon a newspaper report. Sir, I have read the judgment of that Court, communicated to me by one of its members in an official copy; and I have no hesitation in saying that the Senator is entirely mistaken, if he supposes that by a hair's breadth it interferes with the constitutionality of the bill which I now move.

Sir, there is no such lion in our path. It exists only in the imagination of my friend, — or in the desire, which he has so often manifested, to interfere with the adoption of this measure. But the Senator is mistaken if he supposes that I charge upon him any indifference to Human Rights. Never, in any debate, has any word fallen from me which that Senator can so misinterpret. I know too well his heart, his excellent and abounding nature, his New-England home, to attribute to him any such indifference. But I do know full well, for the Senator has often declared it, that he acts under interpretations of the Constitution which it seems to me belong to the period anterior to the war rather than since the war. It seems to me — I may be mistaken, but I cannot help saying it — that the Senator has not yet recognized that greatest of all victories by which a new interpretation is fixed upon the National Constitution, so that hereafter all its sentences, all its phrases, all its words, shall be interpreted broadly and emphatically for Human Rights. How often have I been obliged to say this! But the Senator forgets that victory. There is his error. Most sincerely, most ardently, do I trust that the Senate will never forget it; I hope we shall duly act upon it, and celebrate it in our acts.

Sir, I have been betrayed into these remarks simply by way of answer to what has been said by my friend. I had hoped that this bill might be proceeded with without debate. I had trusted that this benign measure was so clear and refulgent with justice that no Senator would rise in his place to oppose it. I had indulged the longing that those especially in favor of amnesty for all would adopt that other greater and more comprehensive principle of justice for all. Strange, Sir, that the sensibilities of so many are aroused in favor of amnesty, and yet those same Senators are so dull when the rights of men are presented! I, Sir, am anxious to see universal amnesty; but with it must be asserted also universal justice. Our colored fellow-citizens must be admitted to complete equality before the law. In other words, everywhere, in everything regulated by law, they must be equal with all their fellow-citizens. There is the simple principle on which this bill stands. Who can impugn it? Who can throw upon it the shadow of question? Sir, if the Constitution of the United States does not sanction a bill like this, then forthwith should we proceed to amend that Constitution, and make it more worthy of our regard. Much as has been done, this bill must also be added to the trophies of Congressional action; this bill must be enumerated among the great results of our recent legislation. Terrible war will then have been a beneficent parent.

I hope, Sir, there can be no question on the subject.

The motion was not agreed to.

OUR PILGRIM FOREFATHERS.

Speech at the Dinner of the New-England Society in New York, December 22, 1873.

After the customary toasts, *The Day we celebrate*, and *The President of the United States*, the President of the Society, Mr. Elliot C. Cowdin, in announcing the *Third Regular Toast*, said, —

"I give you, Gentlemen, *The Senate of the United States.*

"We are happy to greet, on this occasion, the senior in consecutive service, and the most eminent member of the Senate, whose early, varied, and distinguished services in the cause of Freedom have made his name a household word throughout the world, — the Honorable Charles Sumner."

"On rising," says the official report, "Mr. Sumner was received with great cheering, — the members of the Society standing, waving handkerchiefs, and in other ways expressing lively satisfaction."

Mr. Sumner responded : —

Mr. President and Brothers of New England : —

FOR the first time in my life, I have the good fortune to enjoy this famous anniversary festival. Though often honored by your most tempting invitation, and longing to celebrate the day in this goodly company, of which all have heard so much, I could never excuse myself from duties in another place. If now I yield to well-known attractions, and journey from Washington for my first holiday during a protracted public service, it is because all was enhanced by the appeal

of your excellent President, to whom I am bound by the friendship of many years in Boston, New York, and in a foreign land. (*Applause.*) It is much to be a brother of New England, but it is more to be a friend (*applause*); and this tie I have pleasure in confessing to-night.

It is with much doubt and humility that I venture to answer for the Senate of the United States, and I believe the least I say on this head will be the most prudent. (*Laughter.*) But I shall be entirely safe in expressing my doubt if there is a single Senator who would not be glad of a seat at this generous banquet. What is the Senate? It is a component part of the National Government. But we celebrate to-day more than any component part of any government. We celebrate an epoch in the history of mankind, — not only never to be forgotten, but to grow in grandeur as the world appreciates the elements of true greatness. Of mankind, I say: for the landing on Plymouth Rock, on the 22d of December, 1620, marks the origin of a new order of ages, by which the whole human family will be elevated. Then and there was the great beginning.

Throughout all time, from the dawn of history, men have swarmed to found new homes in distant lands. The Tyrians, skirting Northern Africa, stopped at Carthage; Carthaginians dotted Spain, and even the distant coasts of Britain and Ireland; Greeks gemmed Italy and Sicily with Art-loving settlements; Rome carried multitudinous colonies with her conquering eagles. Saxons, Danes, and Normans violently mingled with the original Britons. And in more modern times Venice, Genoa, Portugal, Spain, France, and England, all sent forth emigrants to people foreign shores. But in these various

expeditions trade or war was the impelling motive. Too often commerce and conquest moved hand in hand, and the colony was incarnadined with blood.

On the day we celebrate, the sun for the first time in his course looked down upon a different scene, begun and continued under a different inspiration. A few conscientious Englishmen, in obedience to the monitor within, and that they might be free to worship God according to their own sense of duty, set sail for the unknown wilds of the North American continent. After a voyage of sixty-four days in the ship Mayflower, with Liberty at the prow and Conscience at the helm, (*applause,*) they sighted the white sand-banks of Cape Cod, and soon thereafter in the small cabin framed that brief compact, forever memorable, which is the first written constitution of government in human history, and the very corner-stone of the American Republic; and then these Pilgrims landed.

This compact was not only foremost in time, it was also august in character, and worthy of perpetual example. Never before had the object of the "civil body politic" been announced as "to enact, constitute, and frame such *just and equal laws*, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony."[1] How lofty! how true! Undoubtedly these were the grandest words of government, with the largest promise, of any at that time uttered.

If more were needed to illustrate the new epoch, it would be found in the parting words of the venerable pastor, John Robinson, addressed to the Pilgrims, as they were about to sail from Delft-Haven, — words often

[1] Bradford's History of Plymouth Plantation, ed. Deane, p. 90.

quoted, yet never enough. How sweetly and beautifully he says: "And if God should reveal anything to you by any other instrument of His, be as ready to receive it as ever you were to receive any truth by my ministry; for I am very confident the Lord hath more truth and light yet to break forth out of His Holy Word." And then how justly the good preacher rebukes those who close their souls to truth! "As, for example, the Lutherans, they cannot be drawn to go beyond what Luther saw, — for, whatever part of God's will He hath further imparted and revealed to Calvin, they will rather die than embrace it; and so also you see the Calvinists, they stick where he left them, — a misery much to be lamented; for, though they were precious shining lights in their times, yet God had not revealed His whole will to them." [1] Beyond the merited rebuke, here is a plain recognition of the law of Human Progress, little discerned at the time, which teaches the sure advance of the Human Family, and opens the vista of the ever-broadening, never-ending future on earth.

Our Pilgrims were few and poor. The whole outfit of this historic voyage, including £1,700 of trading-stock, was only £2,400;[2] and how little was required for their succor appears in the experience of the soldier Captain Miles Standish, who, being sent to England for assistance, — not military, but financial (God save the mark!), — succeeded in borrowing (how much do you suppose?) £150 sterling. (*Laughter.*) Something in the way of help; and the historian adds, "though at fifty per cent"

[1] Winslow's Brief Narration: Young, Chronicles of the Pilgrim Fathers, (2d ed.) p. 397.

[2] Prince, Chronological History of New England, (ed. 1826,) p. 160. Bradford, pp. 57, 72.

interest.[1] So much for a valiant soldier on a financial expedition. (*Laughter, in which General Sherman and the company joined.*) A later agent, Allerton, was able to borrow for the Colony £200 at a reduced interest of thirty per cent.[2] Plainly, the money-sharks of our day may trace an undoubted pedigree to these London merchants. (*Laughter.*) But I know not if any son of New England, oppressed by exorbitant interest, will be consoled by the thought that the Pilgrims paid the same.

And yet this small people, — so obscure and outcast in condition, — so slender in numbers and in means, — so entirely unknown to the proud and great, — so absolutely without name in contemporary records, — whose departure from the Old World took little more than the breath of their bodies, — are now illustrious beyond the lot of men; and the Mayflower is immortal beyond the Grecian Argo, or the stately ship of any victorious admiral. Though this was little foreseen in their day, it is plain now how it has come to pass. The highest greatness, surviving time and storm, is that which proceeds from the soul of man. (*Applause.*) Monarchs and cabinets, generals and admirals, with the pomp of courts and the circumstance of war, in the gradual lapse of time disappear from sight; but the pioneers of Truth, though poor and lowly, especially those whose example elevates human nature and teaches the rights of man, so that Government of the people, by the people, and for the people shall not perish from the earth (*great applause*), — such harbingers can never be forgotten, and their renown spreads coëxtensive with the cause they served.

[1] Prince, p. 237. "With much adooe (and spent a good deal of it in expences)": Bradford, p. 204.

[2] Bradford, p. 211. Prince, p. 242.

I know not if any whom I now have the honor of addressing have thought to recall the great in rank and power filling the gaze of the world as the Mayflower with her company fared forth on their venturous voyage. The foolish James was yet on the English throne, glorying that he had "soundly peppered off the Puritans."[1] The morose Louis the Thirteenth, through whom Richelieu ruled, was King of France. The imbecile Philip the Third swayed Spain and the Indies. The persecuting Ferdinand the Second, tormentor of Protestants, was Emperor of Germany. Paul the Fifth, of the House of Borghese, was Pope of Rome. In the same princely company, and all contemporaries, were Christian the Fourth, King of Denmark, and his son Christian, Prince of Norway; Gustavus Adolphus, King of Sweden; Sigismund the Third, King of Poland; Frederick, King of Bohemia, with his wife, the unhappy Elizabeth of England, progenitor of the House of Hanover; George William, Margrave of Brandenburg, and ancestor of the Prussian house that has given an emperor to Germany; Maximilian, Duke of Bavaria; Maurice, Landgrave of Hesse; Christian, Duke of Brunswick and Luneburg; John Frederick, Duke of Würtemberg and Teck; John, Count of Nassau; Henry, Duke of Lorraine; Albert, Archduke of Austria, and his wife Isabella, Infanta of Spain, joint rulers of the Low Countries; Maurice, fourth Prince of Orange, of the House of Nassau; Charles Emanuel, Duke of Savoy, and ancestor of the King of United Italy; Cosmo de' Medici, fourth Grand Duke of Tuscany; Antonio Priuli, ninety-fifth Doge of Venice, just after the terrible tragedy commemorated on the English stage as "Venice Preserved"; Bethlen

[1] Neal, History of the Puritans, (London, 1733,) Vol. II. p. 20.

Gabor, Prince of Unitarian Transylvania, and elected King of Hungary with the countenance of an African; and the Sultan Osman the Second, of Constantinople, eighteenth ruler of the Turks.

Such at that time were the crowned sovereigns of Europe, whose names were mentioned always with awe, and whose countenances are handed down by Art, so that at this day they are visible to the curious as if they walked these streets. Mark now the contrast. There was no artist for our forefathers, nor are their countenances now known to men; but more than any powerful contemporaries at whose tread the earth trembled is their memory sacred. (*Applause.*) Pope, emperor, king, sultan, grand-duke, duke, doge, margrave, landgrave, count, — what are they all by the side of the humble company that landed on Plymouth Rock? Theirs, indeed, were the ensigns of worldly power; but our Pilgrims had in themselves that inborn virtue which was more than all else besides, and their landing was an epoch.

Who in the imposing troop of worldly grandeur is now remembered but with indifference or contempt? If I except Gustavus Adolphus, it is because he revealed a superior character. Confront the Mayflower and the Pilgrims with the potentates who occupied such space in the world. The former are ascending into the firmament, there to shine forever, while the latter have been long dropping into the darkness of oblivion, to be brought forth only to point a moral or to illustrate the fame of contemporaries whom they regarded not. (*Applause.*) Do I err in supposing this an illustration of the supremacy which belongs to the triumphs of the moral nature? At first impeded or postponed, they at

last prevail. Theirs is a brightness which, breaking through all clouds, will shine forth with ever-increasing splendor.

I have often thought, that if I were a preacher, if I had the honor to occupy the pulpit so grandly filled by my friend near me, (*gracefully inclining toward Mr. Beecher,*) one of my sermons should be from the text, "A little leaven leaveneth the whole lump."[1] Nor do I know a better illustration of these words than the influence exerted by our Pilgrims. That small band, with the lesson of self-sacrifice, of just and equal laws, of the government of a majority, of unshrinking loyalty to principle, is now leavening this whole continent, and in the fulness of time will leaven the world. (*Great applause.*) By their example republican institutions have been commended; and in proportion as we imitate them will these institutions be assured. (*Applause.*)

Liberty, which we so much covet, is not a solitary plant. Always by its side is Justice. (*Applause.*) Yet Justice is nothing but Right applied to human affairs. Do not forget, I entreat you, that with the highest morality is the highest liberty. A great poet, in one of his inspired sonnets, speaking of this priceless possession, has said,

> "For who loves that must first be wise and good."[2]

Therefore do the Pilgrims in their beautiful example teach liberty, teach republican institutions, — as at an earlier day Socrates and Plato, in their lessons of wisdom, taught liberty and helped the idea of the republic. If republican government has thus far failed in any

[1] Galatians, v. 9. [2] Milton, Sonnet XII.

experiment, as, perhaps, somewhere in Spanish America, it is because these lessons have been wanting; there have been no Pilgrims to teach the Moral Law.

Mr. President, with these thoughts, which I imperfectly express, I confess my obligations to the forefathers of New England, and offer to them the homage of a grateful heart. But not in thanksgiving only would I celebrate their memory. I would, if I could, make their example a universal lesson, and stamp it upon the land. (*Applause.*) The conscience which directed them should be the guide for our public councils; the just and equal laws which they required should be ordained by us; and the hospitality to Truth which was their rule should be ours. Nor would I forget their courage and steadfastness. Had they turned back or wavered, I know not what would have been the record of this continent, but I see clearly that a great example would have been lost. (*Applause.*) Had Columbus yielded to his mutinous crew and returned to Spain without his great discovery, had Washington shrunk away disheartened by British power and the snows of New Jersey, these great instances would have been wanting for the encouragement of men. But our Pilgrims belong to the same heroic company, and their example is not less precious. (*Applause.*)

Only a short time after the landing on Plymouth Rock, the great republican poet, John Milton, wrote his "Comus," so wonderful for beauty and truth. His nature was more refined than that of the Pilgrims; and yet it requires little effort of imagination to catch from one of them, or at least from their beloved pastor, the exquisite, almost angelic words at the close: —

"Mortals, that would follow me,
Love Virtue: she alone is free;
She can teach ye how to climb
Higher than the sphery chime:
Or if Virtue feeble were,
Heaven itself would stoop to her."

"At the conclusion of Senator Sumner's speech," says the report, "the audience rose and gave cheer upon cheer."

SUPPLEMENTARY CIVIL-RIGHTS BILL: THE LAST APPEAL.

Remarks in the Senate, January 27, 1874.

The Supplementary Civil-Rights Bill, introduced by Mr. Sumner on the first day of the Session, having now come up for consideration, and the question being on a motion by Mr. Ferry, of Connecticut, to refer it to the Committee on the Judiciary, Mr. Sumner said: —

MR. PRESIDENT, — There is a very good reason, a very strong reason, why this bill should not be referred to the Committee on the Judiciary, and it is found in the history of the bill. I have in my hand a memorandum, which has been kindly prepared for me at the desk, disclosing details which Senators ought to bear in mind before they vote. By the Journals of the Senate it appears that as long ago as May 13, 1870, —

"Mr. Sumner asked, and by unanimous consent obtained, leave to bring in a bill supplementary to an Act entitled 'An Act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,' passed April 9, 1866; which was read the first and second times, by unanimous consent, referred to the Committee on the Judiciary, and ordered to be printed."

The next appearance of the bill is July 7th, of that year, when, according to the Journal, "Mr. Trumbull,

from the Committee on the Judiciary," with a large number of other bills reported this to the Senate, with a recommendation "that they ought not to pass." The record says that —

"The Senate proceeded to consider the said bills as in Committee of the Whole; and no amendment being made, they were severally reported to the Senate.

"On motion by Mr. Trumbull,

"*Ordered*, That the said bills be postponed indefinitely."

You will observe, Sir, the bill was treated in the lump with others, at the close of the session; and you have here the report of the very committee to which it is now proposed to refer it.

The next appearance of the bill is January 20, 1871, and the entry is as follows: —

"Mr. Sumner asked, and by unanimous consent obtained, leave to bring in a bill supplementary to an Act entitled 'An Act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,' passed April 9, 1866; which was read the first and second times, by unanimous consent, referred to the Committee on the Judiciary, and ordered to be printed."

February 15, 1871, "Mr. Trumbull, from the Committee on the Judiciary, to whom were referred the following bills [the present with others], reported them severally without amendment, and that they ought not to pass."

There was no action of the Senate at the time; for you will bear in mind the lateness of the day in the session; and Senators cannot have forgotten the pressure of business at that time. That was sufficient reason

against the consideration of the bill. Indeed, with all the assiduity that I could command, I was not able to obtain a hearing for it.

Then came the first session of the Forty-Second Congress, beginning March 4, 1871. Upon the Journal it appears, March 9, 1871, —

"Mr. Sumner asked, and by unanimous consent obtained, leave to bring in [this same bill, with one other], which were read the first and second times, by unanimous consent, and ordered to lie on the table and be printed."

In introducing the bill this third time I stated that it had already been to the Judiciary Committee twice before; that it was to be presumed that they had carefully considered it; that they had reported it adversely; that they had not reported any amendment; that I did not think it advisable now to refer the bill to a committee which had twice recorded an adverse judgment; that the bill was well known to Senators; that it had been before the Senate a long time; and that under the circumstances I thought I should be justified in asking that it take its place on the Calendar and be printed. The order was made, and it held its place on the Calendar.

Shortly afterward a measure of general amnesty, it will be remembered, passed the House of Representatives and came to this Chamber. Then it was that I deemed it my duty to move this bill as an amendment, and you will remember the extended discussion that ensued, — how justice to the African race was contrasted with generosity to those who had struck at the life of the Republic, and it was insisted that our first duty was justice. The debate was protracted. Senators cannot

have forgotten it; and more than once votes were had upon the pending amendment. I think it was twice carried by the casting vote of the Vice-President. Certainly it was attached to the bill for general amnesty, and the debate reached over weeks, during which time the Supplementary Civil-Rights Bill, as it came to be called, underwent amendment. It was modified in various particulars, — in none of great importance, in none of principle, but verbally; also in the penalties, and in the machinery: but the bill now stands, in principle and in substance, as it was when originally introduced. So far as it is changed, it is a change reached by debate in this Chamber. The Senate itself has been a Committee of the Whole sitting on this bill, superseding thereby the labors of any special committee.

Why, then, after two references to the Judiciary Committee should we have a third? Is it for delay? Is it in the hope of any light on this important subject which Senators have not already? Why, then, the reference? I can see no considerable or sufficient object, except one that we are compelled to recognize in this Chamber: can it be a mode of opposition by interposing time, delay?

Now, Sir, the bill is on the Calendar No. 1. It should have been the first acted upon this session; and if it was not acted upon first, there is no blame on me, for I tried to have you act upon it on one of the earliest days of this session, but I was resisted here by the Senator from Connecticut [Mr. FERRY], and the Senator from Maine [Mr. MORRILL]; the Senator from Connecticut insisting, then as now, that the bill should go to a committee. Now, Sir, I appeal to the Senate to take this important measure into its own hands at once and directly.

What is the use of a Committee? It is as eyes and

ears to the Senate. How often do we repeat that saying! But who wants eyes and ears for the appreciation of this measure? Its character is manifest; its justice is confessed; it is in harmony with all that has been done to carry out the great results of the war; it is in harmony with the Declaration of Independence, and with the grand history of the Republic; it is in harmony with the Constitutional Amendments, and it is indeed necessary in order to their full enjoyment. The necessity is manifest every day in the outrages to which the colored race are exposed, not only in travel and at hotels, but still more in the children of their homes, who are shut out from those schools where they ought to receive practically, as well as by lesson, the great duty of Equality. The bill is an urgent necessity. There ought to be no delay. There should not be the postponement of a Committee, for the Committee is unnecessary. The Committee has already sat upon it once, twice: why a third time?

In the debate which ensued, Mr. Stewart, of Nevada, and Mr. Edmunds, of Vermont (Chairman of the Judiciary Committee), among others, participated, both urging the proposed reference, and the latter in remarks replete with personality. Mr. Sumner responded as follows: —

THE Senator from Nevada has made a speech which is founded on oblivion of the past. The bill has been examined by the Judiciary Committee, and twice reported by them adversely without amendment.

MR. EDMUNDS. When was the last report?

MR. SUMNER. February 15, 1871.

MR. EDMUNDS. That was in the time of Trumbull.

MR. SUMNER. The Senator says, "That was in the time of Trumbull." But it was reported adversely by the Judiciary Committee, of which my learned friend was a distinguished member, I think. I cannot mistake; he must have been on the Committee, a party to its report; and there was from him no minority voice, no opposition on this floor to the report of the Chairman. He allowed the Chairman to speak for the Committee, including himself.

But the Senator from Nevada, oblivious of this history, insists upon another reference. He wishes to put this bill through another dance. For what purpose? He has read the existing statute to which this is supplementary, and he thinks that the Committee ought to consider the aptitude of this bill to carry out the declared purpose. Why, Sir, I agree with him that such aptitude ought to exist, but do not forget that the bill has been before the Senate now nearly four years. Nearly four years has this bill, substantially as at this moment, been before the Senate, and twice before the Judiciary Committee.

Now, Sir, let us ascend from words to things. Why make another reference? Is it that it may find verbal place on your record that this bill was duly referred and duly reported? That is the only reason I can imagine; for the bill in its substance is well known to every Senator, and, I may add, is well known to every lawyer in the country. It has been discussed here again and again, day after day, and has been modified after discussion; and you now have the result of all the discussion and the modification. It is well known. It is familiar to the country. It has received the approbation of those who are most interested in it. It has been

prayed for by petitioners without number. It has been commended at public meetings with an earnestness and an enthusiasm almost without parallel.

Mr. Edmunds. May I ask the Senator a question?

Mr. Sumner. Certainly.

Mr. Edmunds. I should like to ask my friend, the Senator from Massachusetts, (as he is now speaking of the character of the bill, which I did not care to refer to particularly,) where the jury is summoned, and a man should happen to be convicted of murder or any other crime under the State law, would it, or not, set aside the verdict?

Mr. Sumner. The Senator will pardon me. I had not intended to touch this branch of the debate.

Mr. Edmunds. I merely wish to ask him what he understands to be the character of the fourth section, supposing we pass it just as it stands, and supposing a jury happens to be summoned contrary to the provisions of the fourth section, but in accordance with the law of the State.

Mr. Sumner. The effect of the violation of the law in that respect need not be considered. It is sufficient that this section provides a penalty against those who violate the law; such is its simple object.

Mr. Edmunds. Ah! but let me ask my friend, does it not also provide what shall constitute a lawful jury?

Mr. Sumner. Very well, — and should it not so provide?

Mr. Edmunds. Very well, — but my question is, What would be the effect upon the trial of an indictment found by a grand jury not composed in conformity to this motion?

Mr. Sumner. I will not presume to pronounce an opinion on that question. It is sufficient for me that

the section is clear and explicit in imposing a penalty upon the party making the exclusion, and that is all the bill proposes. The other consequences may be, will be, for the determination of the courts. The question belongs to them; I doubt if it belongs to us. But the bill is open to amendment. Let the Senator move such as he thinks the case requires: I shall welcome it.

When the Senator interrupted me I was about to address myself to him; for I should not have risen this time but for the remarks which he made. I know not, Sir, why my position on this question should justify the personalities which the Senator from Vermont considers so essential to debate. I certainly made no allusion to him, nor do I claim anything for myself. I am an humble worker in this Chamber, and in this cause I have been laborious for years; but not on that account do I claim anything, nor do I make any pretence. I know not why the Senator should, with personality of manner and allusion, undertake to taunt me for the position that I occupy. Do I deserve it? I represent humbly the sentiments of the people of Massachusetts, who have sent me here now for many years. Always loyal to these sentiments I hope to be, even though it brings upon me the displeasure of the Senator. Sir, I am anxious to harmonize with that Senator. I know, too, his loyalty to this cause, — I do not doubt it; but I now appeal to that Senator to unite with me in speeding this great measure. Let him join sincerely, with his large intelligence, to hasten this bill before the Senate and make it the law of the land; so would he become a benefactor to a much-oppressed people.

Possibly he has his doubts in regard to the Jury provision. I know other lawyers have expressed doubts

before; and from the inquiry that he made a moment ago it is perhaps fair to infer that those doubts haunt his mind. To that I simply answer, Happily they do not haunt mine. I know the Constitution of my country, and I know that under that Constitution, unless my judgment fails entirely, the provision with reference to juries is absolutely valid and constitutional. I challenge the discussion. Let the Senator make his objections. The original Civil-Rights Bill, which passed over the veto of the President, solemnly declares that no evidence shall be excluded from any court of justice, National or State, on account of color. The nation has undertaken to regulate the testimony, not only in its own Courts but in State Courts; and will any one pretend that it may not regulate the jury in State Courts, when it may regulate the testimony in State Courts? Why, Sir, there is nothing in the Constitution touching testimony, but there are no less than three distinct provisions relating to trial by jury; and among other terms employed is "an impartial jury," which is among the privileges and immunities of the citizen. And is it wrong for Congress, in the plenitude of its powers, anxious to do justice to all, to declare that there shall be an impartial jury in all tribunals, whether National or State, without regard to color? Having begun by regulating the testimony, where is the argument which is to prevent us from regulating the jury? I need not remind my excellent friend that originally the witnesses and the jury were almost one and the same.

Mr. Edmunds. They were precisely the same.

Mr. Sumner. Very well, — so much the better; and the Senator knows that there is a phrase handed down

to us from English courts by which we are reminded constantly of the "witness-box" and the "jury-box." So closely were they together that they come under a common nomenclature. Now I insist that they shall come under a common safeguard. We have already provided that there shall be no exclusion in testimony on account of color: we must also provide that there shall be no exclusion from the jury on account of color; and until that provision is made by supreme national law, not to be set aside, justice is not fully done.

But, Sir, I had no intention to discuss the character of this bill; and I have only been led into it by the allusion of the Senator, who, holding the bill in his hand, signalizes that section as open to criticism. Let him proceed with his criticism. But then I hope for better things. I hope my friend, instead of criticism, will give us that generous support which so well becomes him. He sees full well, that, until this great question is completely settled, the results of the war are not all secured, nor is this delicate and sensitive subject banished from these Halls. Sir, my desire, the darling desire, if I may say so, of my soul, at this moment, is to close forever this great question, so that it shall never again intrude into these Chambers, — so that hereafter in all our legislation there shall be no such words as "black" or "white," but that we shall speak only of citizens and of men. Is not that an aspiration worthy of a Senator? Is such an aspiration any ground for taunt from the Senator of Vermont? Will he not, too, join in the aspiration and the endeavor to bring about that beneficent triumph? Let this be omitted now, let any part of this bill be dropped out now, and you leave the question for another Congress, to be pursued by other petitions, to

be pressed by other Senators and Representatives; for, so long as injustice remains without redress, so long will there be men to petition, and so long, I trust, will there be Senators and Representatives to demand a remedy. I ask for all now.

At length, on the representation of Mr. Frelinghuysen, of New Jersey, that, "by acquiescing with the other friends of the measure in its reference to the Committee on the Judiciary, the Senator from Massachusetts has it in his power to take from every opponent of the bill any apology, reason, or excuse for opposing it," followed by the declaration, "I think we can give the Senator the assurance that a fortnight will not pass without the bill being reported," —

Mr. Sumner inquiring, —"The Senator is a member of the Judiciary Committee, I believe?"

Mr. Frelinghuysen. Yes, Sir.

Mr. Sumner. I accept his assurance and consent to the reference.

Mr. Edmunds, Chairman of the Committee, demurring to the proposed agreement to report the bill within two weeks, suggested as a substitute, "its consideration with the promptness that the business of the Committee will allow," which Mr. Frelinghuysen pronouncing "equally satisfactory," it was tacitly so settled, — Mr. Howe, of Wisconsin, thereupon observing, "I think the assurances we have from the Senator from New Jersey and the Senator from Vermont are a sufficient guaranty that the bill will get back here in good season."

Mr. Sumner. And in good condition. (*Laughter.*)

Mr. Edmunds. Much better than it is now. (*Laughter.*)

Mr. Morton of Indiana subsequently remarking, —

I do not myself feel that there is any great importance in referring this bill to a committee, for the reason that the question has been so long before the Senate and has been so amply discussed. But still that is the usage of the Senate; we do that with regard to all bills unless under some very strong emergency; and if the Senator had consented in the first place to the reference of the bill, we should have had it back long ago. So, I think, he has nobody to blame but himself that this bill is not now before the Senate to be acted upon. But I may be allowed to express the hope, and I have no

reason to doubt that it will be gratified, that the Judiciary Committee will promptly examine this bill, and report back a Civil-Rights Bill upon which the Senate can take action before long. I think that ought to be done for very many considerations, —

Mr. Sumner replied: —

Mr. President, — I should not say another word, except for the ardor with which my friend from Indiana comes forward to throw a little blame on me. He thinks, that, if I had consented to an earlier reference of this bill, it would now be in order before the Senate; but he says that in a case of strong emergency bills are not referred to committees. Now I ask the Senator from Indiana if this is not a case of strong emergency? The bill has been pending nearly four solid years, during all which time a portion of our fellow-citizens, counted by the million, have been exposed to indignity; and because I tried to speed the result, hoping to bring the Senate to a generous conclusion of the whole measure without a reference to the Committee, the Senator from Indiana thus tardily seeks to rebuke me. If I erred at all, it was because I trusted the Senate. I felt, that, with this bill on the Calendar and within reach, it could not hesitate. I was unwilling to see the bill in a committee-room, where the Senate, in a generous moment, could not take it up any day, and, so far as the Senate was concerned, make it the law of the land. I put too much faith in this body, which I ought to know well. I did, Sir, have generous trust. I did believe that at some early day the bill would be considered and adopted. I have been disappointed. More than once I have tried to reach it, I have tried to bring it before the Senate; but you know well the impediments; you know that other important matters have occupied attention, so that I could

not, with any reasonable chance of success, seek to press this important measure. That, Sir, is the occasion for delay; and I do not think — I hardly like to make any question with my friend — but I do not think he was generous in the imputation that he sought to throw upon me. Had that Senator, on the first day of the session, or when I made an effort at a later day to bring it up, come forward then to aid me in pressing it on the attention of the Senate, — had he reminded the Senate and the country how many fellow-citizens were shut out from their rights, and that a denial of rights does not allow delay, — had these words come from the Senator at that time, ah! we should have been having no such debate as has occurred to-day. The bill would have been hastened on its way, and a people long enslaved and degraded would be at last lifted to equality.

The question being now put, the bill was referred to the Committee on the Judiciary without objection.

March 11, 1874, Mr. Sumner died.

April 14th his bill was reported back by Mr. Frelinghuysen from the Committee with an amendment in the form of a substitute, — being substantially the original bill taken into a new draught, with a few differences of machinery. In this form, after long and exhaustive debate, it was passed in the Senate, May 22d, by Yeas 29, Nays 16.

In the House, all efforts to take it up were frustrated by the minority, under the rule requiring a two-thirds vote for this purpose, until the closing hours of the succeeding session, March 3, 1875, when a vote was obtained referring it to the Committee on the Judiciary, but too late for action, and the bill fell with the expiration of the Congress.

Meanwhile, however, February 3d, Mr. Butler, of Massachusetts, had reported a bill from this Committee, covering the provisions of the Senate bill, with the exception only of that relating to cemeteries, but with the addition to that on Common Schools of the proviso, —

"That if any State or the proper authorities in any State, having the control of Common Schools or other public institutions of learning aforesaid, shall establish and maintain separate schools and institutions giving equal educational advantages in all respects for different classes of persons

entitled to attend such schools and institutions, such schools and institutions shall be a sufficient compliance with the provisions of this section so far as they relate to schools and institutions of learning."

On proceeding to a vote, the next day, February 14th, the entire clause, embracing Common Schools, public institutions of learning or benevolence, and national agricultural colleges, together with this proviso, was, on motion of Mr Kellogg, of Connecticut, struck out by Ayes 123, Noes 48, — a call for the Yeas and Nays, which would have brought out the names, being refused. A previous motion by Mr. Cessna, of Pennsylvania, to substitute the full text of the Senate bill for that of the House Committee, now recurring, was defeated by Yeas 114, Nays 148, — and the latter, amended as above stated, was then passed by Yeas 162, Nays 100, — and subsequently, February 27th, in the Senate also, by Yeas 38, Nays 26, — and March 1st received the approval of the Executive.

This bill, entitled "An Act to protect all citizens in their civil and legal rights," [1] has since stood on the statute book as a finality, — these rights, in the terms of the statute, consisting of "the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of [1st] inns, [2d] public conveyances on land or water, [3d] theatres, and other places of public amusement"; to which another section, rising to a higher plane, adds the declaration [4th] "That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude," — with such security to the colored citizens of this inestimable right as may be found in the provision that "any officer or other person, charged with any duty in the selection or summoning of jurors, who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined *not more* than five thousand dollars."

[1] Statutes at Large, Vol. XVIII. Part 3, pp. 335–36.

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